

In the Matter Of:

*KELLI DENISE GOODE vs
CITY OF SOUTHAVEN, et al.
2:16-CV-02029-SHM-cgc*

*TODD BAGGETT
December 07, 2016*



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1 The videotaped deposition of TODD BAGGETT
2 is taken on this, the 7th day of December 2016, on
3 behalf of the Plaintiff, pursuant to notice and
4 consent of counsel, beginning at approximately
5 9:31 a.m. in the offices of Ballin, Ballin &
6 Fishman, P.C., 200 Jefferson Avenue, Suite 1250,
7 Memphis, Tennessee.

8 This deposition is taken pursuant to the
9 terms and provisions of the Federal Rules of Civil
10 Procedure.

11 All forms and formalities are waived.
12 Objections are reserved, except as to form of the
13 question, to be disposed of at or before the
14 hearing.

15 The signature of the witness is waived.
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A P P E A R A N C E S

FOR THE PLAINTIFF:

TIM EDWARDS, ESQ.
KEVIN McCORMACK, ESQ.
Ballin, Ballin & Fishman
200 Jefferson Avenue
Suite 1250
Memphis, Tennessee 38103
901-525-6278

FOR THE DEFENDANTS, THE CITY OF SOUTHAVEN AND
INDIVIDUAL SOUTHAVEN DEFENDANTS:

BERKLEY N. HUSKISON, ESQ.
Mitchell, McNutt & Sams, P.A.
105 South Front Street
Tupelo, Mississippi 38804
662-620-6260

FOR THE DEFENDANT, BAPTIST MEMORIAL HOSPITAL-DESOTO,
INC.:

DAVID WALKER UPCHURCH, ESQ.
JOHN MARK McINTOSH, ESQ.
Upchurch & Upchurch, P.A.
141 S. Commerce Street
Suite B
Tupelo, Mississippi 38804
662-260-6953

FOR THE DEFENDANT, DR. DONJA OLIVER:

MARTY PHILLIPS, ESQ.
Rainey, Kizer,
Reviere & Bell, PLC
209 E. Main Street
Jackson, Tennessee 38301
731-423-2414

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1 FOR THE DEFENDANT, SOUTHEASTERN EMERGENCY
2 PHYSICIANS, INC.:

3 LOYS TREY JORDAN, III, ESQ.
4 McDonald Kuhn, PLLC
5 5400 Poplar Avenue
6 Suite 330
7 Memphis, Tennessee 38119
8 901-526-0606
9
10
11
12
13
14

15 ALSO PRESENT:

16 JASON ELY, VIDEO SPECIALIST
17
18
19
20
21

22 COURT REPORTING FIRM:

23 ALPHA REPORTING CORPORATION
24 KORIAN NEAL, RPR, CCR, LCR #402
25 236 Adams Avenue
Memphis, Tennessee 38103
901-523-8974
www.alphareporting.com

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1 VIDEO SPECIALIST: Today is December 7,
2 2016, and the time is approximately 9:31. The
3 deponent today is Todd Baggett.

4 Will counsel please identify themselves
5 for the record.

6 MR. EDWARDS: Tim Edwards and Kevin
7 McCormack for Mrs. Goode.

8 MR. MCINTOSH: John Mark McIntosh on
9 behalf of Baptist Memorial Hospital-Desoto, Inc.

10 MR. UPCHURCH: David Upchurch on behalf of
11 Baptist Memorial Hospital-Desoto, Inc.

12 MR. JORDAN: Trey Jordan on behalf of
13 Southeast Emergency Physicians, Inc.

14 MR. PHILLIPS: Marty Phillips for
15 Dr. Oliver.

16 MR. HUSKISON: Berk Huskison for the City
17 of Southaven and the individual Southaven
18 defendants.

19 VIDEO SPECIALIST: Will the court reporter
20 please swear in the witness.

21 TODD BAGGETT,
22 having been first duly sworn, was examined and
23 testified as follows:

24 EXAMINATION

25 BY MR. EDWARDS:

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1 Q. Tell us your name, please, sir.

2 A. **Todd Baggett.**

3 Q. Mr. Baggett, you're a police officer?

4 A. **Yes, sir, I am.**

5 Q. And are you still employed by the
6 Southaven Police Department?

7 A. **Yes, sir.**

8 Q. What is your rank?

9 A. **Patrolman.**

10 Q. Okay. How long have you been with
11 Southaven?

12 A. **Twenty-five months.**

13 Q. So a little over two years?

14 A. **Yes, sir.**

15 Q. All right, sir. What's your home address?

16 A. **1434 Greencliff Drive in Southaven.**

17 Q. Are you familiar -- well, let me back up.
18 Did you go through the Mississippi State Law
19 Enforcement Training Program?

20 A. **Just a refresher. I got -- I gained my**
21 **certificate in Arkansas.**

22 Q. All right. So when you came over to
23 Mississippi from Arkansas, you had to do a refresher
24 course?

25 A. **Three week -- three-week refresher. Yes,**

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1 **sir.**

2 Q. And where was that done?

3 A. **At Pearl, Mississippi with MLEOTA.**

4 Q. Who conducted it?

5 A. **I don't recall his name.**

6 Q. Well --

7 A. **There were several different instructors**
8 **that were there.**

9 Q. Who were they with, let me ask you.

10 A. **The State of Mississippi.**

11 Q. All right. And so you went through a
12 three-week refresher course. Right?

13 A. **That's correct.**

14 Q. What was your training in the state of
15 Arkansas? How long?

16 A. **Twelve weeks.**

17 Q. Where was that conducted?

18 A. **I'm trying to remember the name. That was**
19 **14 years ago.**

20 Q. Was it in Little Rock?

21 A. **No. No, sir. It was -- I can't remember**
22 **the name of the city right now.**

23 Q. All right. In -- in your training in the
24 state of Mississippi, did you -- were you provided
25 with a copy of Ron Crews' book on subject control?

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1 And I'm talking about this which we've been provided
2 by your counsel, Police Subject Control.

3 A. I wasn't. No, sir.

4 Q. You've never seen this?

5 A. It doesn't look familiar to me.

6 Q. Did you ever see it in Arkansas?

7 A. No, sir.

8 Q. All right.

9 MR. EDWARDS: Well, we're going to mark
10 this as the next exhibit. And please show me
11 retaining the copy. I believe everybody was
12 furnished a copy. Right?

13 MR. HUSKISON: Tim, I believe that -- or
14 Mr. Edwards, I believe that that's already an
15 exhibit.

16 MR. EDWARDS: Is this already marked?

17 MR. MCCORMACK: I think it's already
18 marked the ones we've got marked.

19 MR. HUSKISON: It should be Number --

20 MR. EDWARDS: Okay.

21 MR. HUSKISON: -- 11.

22 MR. EDWARDS: All right. Very good.

23 BY MR. EDWARDS:

24 Q. Well, what was your three-week -- week
25 refresher course? What did you do?

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1 A. Studied basically Mississippi law, the
2 intoxicological machine, a driving course. That was
3 the biggest part of it.

4 Q. Did you have any training on tasers?

5 A. No, sir. I'm not taser certified. I
6 don't use one.

7 Q. Okay. What do you have to do to become
8 taser certified?

9 A. You have to be tasered. Well, it's a --
10 you're -- you're asking me that, and I -- I'm not
11 taser certified. So I -- I've never been through
12 the course. I don't know.

13 The -- our city requires you to be tasered
14 to get a taser.

15 Q. All right. But I think you're telling me
16 what I'm asking, and that is there's a separate
17 course that you have to --

18 A. Exactly. Yes, sir.

19 Q. Do you know how long that course is?

20 A. I do not.

21 Q. Okay. So this -- this book that we've
22 been provided and which is Exhibit 11, you're not
23 familiar with at all?

24 A. I mean, just looking at the front cover of
25 it, not -- I don't remember it.

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1 Q. Did you have any training at all in
2 subject control?

3 A. In Arkansas, we did.

4 Q. But not in Mississippi?

5 A. I don't remember any at the academy. I've
6 had some while I was in Horn Lake, also.

7 Q. Did Arkansas allow -- teach you to hogtie?

8 A. I -- we used four-point restraints. We've
9 never hogtied.

10 Q. Four-point restraints can be when the
11 subject is on his back and his hands and feet are
12 just immobilized. Right?

13 A. I would assume. But that's not the way we
14 do it.

15 Q. You hogtie by putting hands and feet
16 behind one another?

17 A. Well, four-point restraints.

18 Q. I know that's your -- Officer, look, I've
19 been through enough of these depositions, I know
20 that's the spiel you've been taught to say. But
21 when I'm saying hogtying, I'll show you what I'm
22 talking about.

23 MR. HUSKISON: Well, object to the form --

24 MR. EDWARDS: I know you are.

25 MR. HUSKISON: -- for saying spiel. I

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1 mean, we consider it four-point restraints. You can
2 consider it whatever you want.

3 MR. EDWARDS: Well, let's just see if
4 we're on the same page.

5 BY MR. EDWARDS:

6 Q. What do you consider four-point restraint,
7 Officer?

8 A. It's where your hands and feet are behind
9 your back, but you still have movement. You --
10 they're not connected together. You still have
11 movement.

12 Q. You can have four-point restraints with
13 hands and feet in front of you. Right?

14 A. Can you? I would imagine so. But you
15 would have to bend somebody up to get it on there.

16 Q. Are you saying that Arkansas allowed, as
17 you say, four-point restraints with hands and feet
18 bound behind the back --

19 A. Uh-huh. Yes, sir.

20 Q. -- that they teach you that? And is this
21 what we're talking about, this position right here?

22 A. No, sir. That's not it.

23 Q. What is it?

24 A. That -- that is -- that is -- that's where
25 his -- the hands and feet are connected, and he has

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1 no range of movement whatsoever.

2 Q. Were Troy Goode's feet, hand -- hands and
3 feet connected?

4 A. They -- they were connected by a 15-inch
5 chain with two inches on each side of the leg
6 shackles. So he had movement of his feet. He could
7 move his feet.

8 Q. And he was put down prone. Correct?

9 A. Yes, sir.

10 Q. All right. With the understanding that
11 you say a 15-inch chain, which would have been
12 looped through the handcuffs. Right?

13 A. Yes, sir.

14 Q. All right. So that would be 7 and a half
15 inches between the wrist and -- I'm sorry. Between
16 the feet and the handcuff chain. Right?

17 A. If it -- if it's in the center, and
18 there's also about two inches for the cuff part,
19 also.

20 Q. Yeah. Assuming it's in the center.

21 A. So we're looking at close to two feet.

22 Q. You're not looking at two feet once it's
23 looped through?

24 A. I say close to two feet.

25 Q. Well, you're not even looking close to two

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1 feet if it's looped through, are you?

2 A. That's your opinion.

3 Q. Because -- well, no. You cut it in half.
4 Right?

5 A. Yeah. You cut it in half. But when you
6 let one leg all the way down -- he could put one leg
7 all the way down.

8 Q. Have you ever been taught this in the
9 application of handcuffs: There are two main areas
10 of concern. One is positional asphyxia. Have you
11 ever heard that term?

12 A. I have.

13 Q. When a violator has been arrested and
14 handcuffed in a face-down position, officers must
15 get the suspect up to at least the seated position
16 as soon as possible. You've been taught that?

17 A. It's -- it's situational. If you can get
18 them to a seated position. If they're not allowing
19 you to, you have to -- their reaction is what we
20 have to work off of and what we can let them do. If
21 they're still trying to kick at us, we can't sit
22 them up.

23 Q. People who remain on their stomachs for
24 varying periods of time will suffocate due to their
25 own body weight?

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1 **A. If you leave them --**

2 MR. HUSKISON: Object to the form.

3 BY MR. EDWARDS:

4 Q. Have you been -- have you been taught
5 that?

6 **A. Uh-huh (affirmative response).**

7 Q. Yes?

8 **A. If you -- if you leave them unattended.**

9 Q. People who remain on their stomach for
10 vary -- varying period of time will suffocate
11 themselves due to their own body weight. Have you
12 been taught that?

13 MR. HUSKISON: Object to the form.

14 BY MR. EDWARDS:

15 Q. That's a quote, by the way, from
16 Mr. Crews's book. You can answer.

17 MR. HUSKISON: You can answer.

18 **A. If you leave them unattended.**

19 BY MR. EDWARDS:

20 Q. You said that Mr. Goode could put one leg
21 all the way down. Right?

22 **A. Yes, sir.**

23 Q. How could he do that?

24 **A. The length of the chain.**

25 Q. Both legs were bound. Correct?

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1 A. Yes, sir.

2 Q. And they were bound with hard restraint.
3 Correct?

4 A. The leg shackles. Yes, sir.

5 Q. Right. And so the only way he could put
6 one leg down is by pulling the other leg up so close
7 to the handcuffs that he had more length of chain to
8 lower the opposite leg?

9 A. Yeah.

10 Q. Yeah. All right.

11 MR. EDWARDS: We're -- I'm going to mark
12 this diagram as 23. Is that -- is that right?

13 THE REPORTER: Yes, sir.

14 MR. EDWARDS: Okay.

15 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
16 WAS MARKED AS EXHIBIT NO. 23 TO THE DEPOSITION AND
17 IS HERETO ATTACHED.)

18 BY MR. EDWARDS:

19 Q. Mr. Crew has a warning in his book to use
20 only reasonable force and necessary force. Is that
21 a policy that you've been taught?

22 A. No, sir. Well, reasonable -- for
23 necessary, I -- as far as the four-point restraints
24 go, we don't have a policy on that.

25 Q. You don't have a policy on four-point

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1 restraints behind the back?

2 **A. No, sir.**

3 Q. And when you say we, are you talking about
4 the --

5 **A. The city.**

6 Q. -- City of Southaven?

7 **A. The police -- the police department.**

8 Q. Does the state of Mississippi have a
9 policy on it?

10 **A. Not that I'm aware of.**

11 Q. Okay. So just so we're clear when we
12 later read this to a jury or ask you a question, you
13 are saying the city of Southaven does not have a
14 policy on four-point restraints, using your term,
15 where the hands and feet are shackled behind the
16 back. Correct?

17 **A. Correct.**

18 Q. Now, when you found out Mr. Goode's name,
19 which would have been at the scene -- first of all,
20 my understanding is -- were you the first officer on
21 the scene?

22 **A. I was. Yes, sir.**

23 Q. And did you stay with Mr. Goode up till
24 the time of his death?

25 **A. I -- you mean the entire time?**

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1 Q. Yes, sir.

2 A. No, sir. There were -- there were a few
3 times I had to go talk to his wife to find out --
4 that's how I found out what his name was and how I
5 found out he had a inhaler. And I took that to the
6 hospital with me.

7 Q. Okay. Let me re-ask my question. It was
8 poor.

9 You were on the scene the entire time
10 until Mr. Goode was put in the ambulance and taken
11 to the hospital. Correct?

12 A. I rode in the ambulance with him.

13 Q. And you rode in the ambulance with him to
14 the hospital. Correct?

15 A. That's correct.

16 Q. And then you were in the room with him up
17 until the time of his death?

18 A. That's correct.

19 Q. So you were there from A to Z. Right?

20 A. Yes, sir.

21 Q. When you got his name from Mrs. Goode, as
22 you just said, did you call it in to see if he had a
23 record or any --

24 A. Not -- not at that exact time.

25 Q. Well, when did you call it in?

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1 A. I don't even think we checked on his name
2 until -- because I rode in like the ambulance the
3 whole way, and I stayed at the hospital until we
4 were done, until it was over.

5 Q. All right. So when did you call it in?

6 A. After I got back to the station.

7 Q. Was Mr. Goode by the time you checked on
8 him?

9 A. I don't understand your question.

10 Q. That's fine. And that's -- that's a good
11 thing to do. If you don't understand my question,
12 please tell me.

13 Was Mr. Goode dead by the time that you
14 checked to see if he had any criminal record?

15 A. Yes, sir.

16 Q. All right. And what did you find out?

17 A. I -- nothing really came up of any
18 interest. He didn't really have one that I can
19 remember.

20 I mean, I -- at that point, the -- you
21 know, I'm not -- you know, we're not -- we don't use
22 his criminal history towards him in any kind of way.

23 Q. Well, I didn't ask that. I just asked
24 what you found out. And you found out he didn't
25 have anything of interest. Correct?

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1 A. Not that I can remember. No, sir.

2 Q. So at the time that you shackled him with
3 his hands and feet behind his leg, you knew his wife
4 was there with him. Correct?

5 A. She was in the parking lot.

6 Q. Right. And that -- you said you talked to
7 her. Correct?

8 A. I did. Yes, sir.

9 Q. And what did she tell you?

10 A. She was apologizing for what he did, said
11 he's done it before and that she was sorry. Wanted
12 to know if she could come to the hospital. I told
13 her she could, but she'd have to wait in the waiting
14 room because he was in custody at the time, and for
15 safety precautions, we -- we don't let family or
16 friends or anybody come to the back while we have
17 them in custody.

18 Q. You told her that she could come to the
19 hospital?

20 A. She asked if she could come, and I told
21 her, yes, but she wouldn't be able to see him.

22 Q. And you told her that it was okay for her
23 to come to the hospital?

24 A. Yes, sir.

25 Q. And she didn't come?

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1 A. I -- I can't stop her from coming to the
2 hospital.

3 Q. She did not come to the hospital after you
4 said she could come. Right?

5 A. I have no idea what she did, to be honest
6 with you.

7 Q. Well, you were at the hospital, weren't
8 you?

9 A. She -- well, I was back there with him.
10 If she was at the hospital, she was in the waiting
11 room.

12 Q. Did you see her?

13 A. I didn't go in the waiting room. I stayed
14 with him.

15 Q. Did she seem like she was concerned about
16 her husband?

17 A. Oh, yes, sir.

18 Q. And you think that if she were allowed to
19 come to the hospital, she would have not come? Does
20 that make any sense?

21 MR. HUSKISON: Object to the form. You
22 can answer.

23 A. I -- I -- I can't answer for -- for what
24 she thinks.

25 BY MR. EDWARDS:

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1 Q. You knew -- what was Mr. Goode's size?

2 A. I believe he was about 6 foot, maybe 140,
3 145 pounds.

4 Q. Little man.

5 A. Six foot's pretty tall.

6 Q. 140, 145 pounds little man?

7 A. I -- your opinion, I guess. I wouldn't
8 say he was little.

9 Q. What's your size?

10 A. I'm about 5'7 and about 185.

11 Q. Okay. How many -- what's the size of the
12 other officers? Let's talk about Scallorn. How big
13 a man is he?

14 A. I -- maybe 6 foot, 200. I don't -- I
15 never really pay that much attention to him.

16 Q. And who else was on the scene?

17 A. Officer Rich.

18 Q. How big is Officer Rich?

19 A. Probably about 6 foot, about 170 maybe.

20 Q. And who else was on the scene?

21 A. Officer Bond came later.

22 Q. How --

23 A. I mean, there was a lot of people on the
24 scene.

25 Q. How many police officers on the scene?

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1 A. About five, I guess, that were involved.

2 Q. Were there more than five police officers
3 on the scene?

4 A. At one point or another, yes, sir. I
5 believe so.

6 Q. Mrs. Goode told you that Mr. Goode had
7 asthma. Correct?

8 A. She had -- he had breathing problems is
9 what I remember her to say.

10 Q. And had you had -- in your training, had
11 you had any instruction on subduing suspects with
12 asthma?

13 A. I mean, this was after the fact. He was
14 already in the ambulance when she said that. That's
15 why I got the inhaler and took it with me to the
16 hospital.

17 Q. And where did you get the inhaler?

18 A. From his wife. Well, it was in his
19 pocket. It went to her and then back to me.

20 Q. How did it -- how did it get to her?

21 A. I took it to her when I walked up there
22 and gave her his wallet and the inhaler.

23 Q. So you got the inhaler out of his pocket?

24 A. And his wallet. Yes, sir.

25 Q. Before he was put in the ambulance?

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1 A. Yes, sir.

2 Q. So you knew he was -- he -- before you put
3 him in the ambulance, you knew that he had breathing
4 problems?

5 A. And he was with medical care. He was with
6 the EMS people.

7 Q. Before you shackled his hands and feet
8 behind his back, you knew that he had breathing
9 problems. Correct?

10 A. No, sir. We weren't able to check him
11 till after that.

12 Q. She told you.

13 A. After the fact.

14 Q. After the fact?

15 A. After he was handcuffed and four-point
16 restrained, that's when we checked him. I found the
17 stuff, the wallet, the inhaler, took it up there to
18 her. And that's when she told me.

19 And so I took it to the hospital with him.

20 Q. Okay. So no police officer was told
21 before he was put in four-point restraints that he
22 had asthma. Is that what --

23 MR. HUSKISON: Object to the form.

24 BY MR. EDWARDS:

25 Q. Is that what you're saying?

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1 A. Not that I know of.

2 Q. Okay.

3 A. If they did, I wasn't there when it
4 happened.

5 Q. And then after she told you that he had
6 asthma and breathing problems and he was -- after
7 the fact, as you say, he was in the four-point
8 restraint, what did you do to relieve the position
9 he was in, that is, shackled behind his back and on
10 his stomach?

11 A. I took it to the people that were on the
12 EMS, told them he had the problem, and they -- they
13 were monitoring him.

14 Q. I see. How --

15 A. He was in medical care at that time.

16 Q. How did they monitor him?

17 A. You would have to ask them. That's --
18 that's their medical expertise, not mine.

19 Q. Were they -- did they check his -- his
20 oxygen saturation?

21 A. I know she checked -- the female EMS
22 person checked his breathing on his back.

23 Q. How did she check his breathing on his
24 back?

25 A. Stethoscope.

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1 Q. Did she check his oxygen saturation?

2 A. You would have to ask her.

3 Q. Did she put a clip on his finger to check
4 his oxygen saturation?

5 A. I don't recall. We were just there in
6 case anything happened, we could either subdue him
7 or get him out of the shackles so they could work on
8 him.

9 Q. Well, you were there, you and who else?

10 A. Officer Rich.

11 Q. You and Officer Rich were there at the
12 time that he was shackled behind his back and on his
13 stomach. Correct?

14 A. Yes, sir.

15 Q. How was he going to cause any problem in
16 that condition?

17 A. Well, as far as having any medical issue
18 come up.

19 Q. Why did you think there might be a medical
20 issue?

21 A. I mean, that's what we were riding for, in
22 case something like that happened. And the EMS
23 people were also worried, too, because of his
24 condition and the way he was acting.

25 Q. How was he acting?

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1 A. Yelling, kicking his feet, spitting.

2 Q. And how -- how was he -- how was he
3 kicking his feet if his hands and feet were shackled
4 behind his back?

5 A. That's -- the space he had on the chain,
6 he was kicking his feet back and forth, back and
7 forth.

8 Q. I see. And that was a threat, was it?

9 A. If we unshackled him, those feet would
10 have been kicking us.

11 Q. If you un --

12 A. That's why he was in the four-point
13 restraints, so he couldn't injure us or the EMS
14 people on the scene.

15 Q. So why didn't you turn him over on his
16 side?

17 A. He -- actually, one time, they -- he did
18 turn -- if he let his foot down and turned over on
19 his side, he could.

20 Q. He was strapped down with five straps on
21 to the gurney. Correct?

22 A. Like I said, at that one point, I went and
23 talked to his wife. I wasn't there the whole time
24 when they put him on everything.

25 Q. You were in the ambulance.

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1 A. I was.

2 Q. He was strapped down with five straps
3 across his body in the ambulance.

4 A. If that's what they told you.

5 Q. You saw it.

6 A. I'm -- I wasn't paying attention to the
7 straps on him.

8 Q. How was he going to turn over if he had
9 five straps across him in addition to being shackled
10 in the back?

11 A. Like I said, if he did, that's -- EMS was
12 working on him. We were -- we were riding to make
13 sure for everybody's safety.

14 Q. Is Troy Goode the most dangerous person
15 that you've ever encountered in your position in
16 your 25 months on the police department?

17 MR. HUSKISON: Object to the form.

18 A. That's 18 years. I'm not 25 months.

19 BY MR. EDWARDS:

20 Q. Eighteen years. Okay.

21 A. No, sir, he's not.

22 Q. He was a bean pole, wasn't he?

23 A. I don't --

24 Q. Skinny little guy?

25 A. I don't see where size has anything to do

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1 with this.

2 Q. Well, all of your training manual says it
3 does. So -- and the courts of law says it does.

4 A. Size does?

5 Q. Yes, just so you know. Have you received
6 any martial arts training?

7 A. Yes, sir, I have.

8 Q. Tell me about that.

9 A. Two years of MMA training.

10 Q. M and A?

11 A. MMA, mixed martial arts.

12 Q. Okay. That's unarmed combat. Right?

13 A. Yes, sir, it is.

14 Q. And where did you get that training?

15 A. Fred Fisher, Fisher's Bang Gym.

16 Q. Where is that, please?

17 A. Horn Lake.

18 Q. And when you say mixed martial arts,
19 you're talking about a combination of karate,
20 aikido, judo?

21 A. It's a little bit of everything. Jujitsu.

22 Q. Jujitsu?

23 A. Boxing.

24 Q. Boxing? How long were you trained in
25 mixed martial arts?

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1 A. About two and a -- two, two and a half
2 years.

3 Q. Did you achieve a belt?

4 A. No. No, sir. Just the white belt that
5 you start with. It takes a long period of time to
6 gain any belts in that.

7 Q. You've talked about Mr. Goode representing
8 a threat to the EMS and the police. Right?

9 A. Yes, sir.

10 Q. Did any police officer on the scene
11 receive a wound of slightest degree from Mr. Goode?

12 A. Not that I'm aware of. No, sir.

13 Q. Did any EMS receive a wound of the
14 slightest degree from Mr. Goode?

15 A. No, sir.

16 Q. Do you agree that the severity of the
17 crime influences what level of force is appropriate
18 and reasonable?

19 A. Yes, sir.

20 Q. What was Mr. Goode's crime?

21 A. At the time, it was just disorderly
22 conduct. But the way -- the scale we work off, if
23 we go up and talk to somebody, they comply, we stop
24 there. If we have to handcuff and they comply, we
25 stop there. And the progression just keeps going

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1 up.

2 If they continue to be noncompliant, we
3 have to go to the next level.

4 Q. Okay. Well, let's talk about it. The
5 continuum -- continuum of force. Right?

6 A. Yes, sir.

7 Q. What is your understanding of the
8 continuum of force to be utilized by a Southaven
9 police officer?

10 A. I mean, it's -- it's totally based on the
11 situation.

12 Q. Well --

13 A. You use com -- you use your compliance
14 techniques until they -- until you can get them to
15 comply.

16 Q. Well, that's what I'm asking you. What
17 are the compliance techniques?

18 A. As far as just taking a suspect in
19 custody?

20 Q. Yes.

21 A. Speak with them. If you get compliance
22 from verbal commands, you use the verbal commands.
23 If you have to move to -- when you get them in
24 handcuffs, you know, if they won't comply, you have
25 to go hands on with them sometimes. And then if

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1 they don't comply from there and they start kicking,
2 you just have to keep climbing up the chain till you
3 can get compliance.

4 Q. Well, if you get them in handcuffs, then
5 you've already had hands on. Right?

6 A. Oh, yes, sir, to some extent. Now, if
7 they turn around and put their hands behind their
8 back, then that's not so much hands on.

9 Q. And so you had over five or more police
10 officers on the scene. Right?

11 A. At one point. Yes, sir.

12 Q. Well, at a minimum, you had four at the
13 time that he was shackled.

14 A. I believe so. Yes, sir.

15 Q. In addition to -- let me ask you this:
16 Let me ask you about considerations as to level of
17 force employed.

18 First we talked about serious --
19 seriousness of offense. Right?

20 A. Yes, sir.

21 Q. Okay. And his offense was he was running
22 around in circles in a parking lot, disorderly
23 conduct?

24 A. Yes, sir.

25 Q. That was the offense?

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1 A. At the time, yes, sir. Then when he
2 wouldn't comply to officers' demands, it became
3 resisting arrest.

4 Q. Okay. So worst case scenario we had with
5 Mr. Goode was resisting arrest?

6 A. At one point, yes, sir.

7 Q. Well, did it ever get to be beyond that?

8 A. No, sir. That was the main -- I guess the
9 main charge at the time, that and disorderly
10 conduct.

11 Q. All right. Proximity and availability of
12 backup, is that a factor in amount of force used?

13 A. It can be. Yes, sir.

14 Q. And of course, you had plenty of backup on
15 the scene.

16 A. At one point. In the beginning, I was
17 there by myself. And then Officer Scallorn came,
18 and then the rest started coming later. I'm not
19 exactly sure.

20 Q. Well, Scallorn got there before
21 Mr. Goode -- while he was still up and running
22 about, it's been described. Correct?

23 A. Yeah. He pulled up down on Goodman,
24 though. He didn't pull up in the parking lot where
25 I was at.

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1 Q. You were -- you were up in the parking
2 lot, and that's where Mr. Goode was?

3 A. No. He -- when I first got there, I was
4 talking with his wife. He ran up. And I asked him
5 if he was okay. He said no. He turned around and
6 just started running around, mumbling and incoherent
7 to himself.

8 And then he ran out into the grass.
9 That's when Officer Scallorn pulled up. Then he ran
10 down to Officer Scallorn's truck and just opened the
11 K9 door.

12 And then I left there and started running
13 down to where -- where they were, which is about 70
14 yards, I would imagine.

15 Q. Seventy yards?

16 A. About 65. Yeah. We were up in the
17 parking lot.

18 Q. All right. Well, let's do this --

19 A. It seemed like a long way for having to
20 run to him.

21 Q. Okay. I'll tell you what we'll do. I
22 have an overhead. You want to acknowledge that's a
23 good shot of the scene?

24 A. Yes, sir.

25 Q. All right. So if you will -- I'm going to

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1 give you this Sharpie, Officer. And I want you to
2 put a 1 and circle it where --

3 MR. EDWARDS: You guys need a copy of
4 this?

5 MR. JORDAN: If you don't mind. Is this
6 going to be -- is this going to be 24 we're up to
7 now?

8 MR. EDWARDS: Yeah.

9 BY MR. EDWARDS:

10 Q. Will you put a 1 and circle it where you
11 were initially talking to Mrs. Goode.

12 A. (Witness complies).

13 Q. All right. And then --

14 MR. JORDAN: Mr. Edwards, can you -- can
15 he hold that up real quick before you go to the next
16 mark? Can you point to where you've drawn the X?

17 (WITNESS INDICATING)

18 MR. JORDAN: Okay. Thank you.

19 THE WITNESS: Right by that little shadow,
20 looks like a little shadow box there.

21 MR. JORDAN: Okay.

22 THE WITNESS: To the right if you look at
23 that.

24 BY MR. EDWARDS:

25 Q. Okay. Now, put a 2 where Officer Scallorn

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1 parked his vehicle and circle that, please.

2 **A. (Witness complies).**

3 Q. And --

4 MR. HUSKISON: Hold it -- hold it up for
5 them.

6 BY MR. EDWARDS:

7 Q. All right. And so the grass that you were
8 referring to where Mr. Goode -- Mr. Goode ran out of
9 the parking, off of the pavement into the grass. Is
10 that correct?

11 **A. That's correct.**

12 Q. And he was in between where you were with
13 Mrs. Goode and where Officer Scallorn parked his K9
14 unit. Right?

15 **A. Yes, sir.**

16 Q. Okay. All right. Let's just hold on to
17 that for a minute, please, because we're going to
18 add to it here in a minute.

19 **A. All right.**

20 Q. And so Officer Scallorn, of course, as we
21 now know, had a dog with him, police dog.

22 **A. That's correct.**

23 Q. Okay. And what did you -- what was your
24 perception of the threat, if any, posed by Mr. Goode
25 to you and Officer Scallorn?

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1 A. You know, at the point, we didn't know
2 what the threat was. He hadn't been checked. We
3 don't know if he had any weapons on him.

4 We didn't know what his mental state was
5 at the time because of the way he was acting as far
6 as me. Scallorn didn't get in contact with him
7 until he ran down there and opened his door.

8 Q. Well, it was still daylight. Right?

9 A. It was.

10 Q. Because this was July.

11 A. Yes.

12 Q. Long days.

13 A. Yes, sir.

14 Q. And Mr. Goode was in shorts. Right?

15 A. Yes, sir.

16 Q. And a print type short sleeve shirt?

17 A. Like a white shirt. Yes, sir.

18 Q. And it was apparent to you that he had no
19 weapons on him. Right?

20 A. That's not correct.

21 Q. Not correct?

22 A. No, sir.

23 Q. Where would the weapon have been?

24 A. It could have been in his pocket. It
25 could have been anywhere.

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1 Q. What -- what -- did you -- did you
2 perceive anything that looked like a weapon?

3 A. That's -- well, I don't perceive whether
4 somebody has one or not because that's when they
5 have one.

6 Q. Well, have you ever shot a suspect?

7 A. No, sir, I haven't. That's not -- go
8 ahead.

9 Q. That's not what?

10 A. I don't know...

11 Q. Pardon?

12 A. I don't know why you would ask that.

13 Q. Well, we have certain rules that we have
14 to follow in the court, and I follow those rules.
15 And so I'm asking, have you --

16 A. That situation has nothing to do with
17 what's going on right here.

18 Q. Have you ever shot anybody?

19 A. No, sir.

20 Q. On or off duty?

21 A. No, sir.

22 Q. Troy Goode was not armed, was he?

23 A. I have no -- after we got him down and was
24 able to check him for weapons, no, sir, he wasn't.

25 Q. There were no bystanders in close

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1 proximity to you, were there?

2 A. Just his -- in between his wife and then
3 the highway, no, sir.

4 Q. So there was nobody else in close
5 proximity that could have been injured by Mr. Goode.
6 Correct?

7 A. At the time, we didn't know.

8 Q. Well, you could see, couldn't you?

9 A. Well, if he had a weapon, he could just
10 start shooting cars. You don't -- you can't ever
11 tell. You don't know. Until you can check
12 somebody, you never know.

13 Q. Did you have that fear that he was going
14 to pull out a gun and start shooting cars?

15 A. With his actions, I had no idea what he --
16 I didn't even know if he was going to run out in
17 front of a car.

18 Q. His actions that you're referring to were
19 running around and mumbling. Correct?

20 A. Incoherently. Yes, sir.

21 Q. Incoherently?

22 A. Uh-huh (affirmative response).

23 Q. He was running in circles up in the
24 parking lot. That's the conduct you're talking
25 about?

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1 A. He was all -- all over, parking lot, the
2 grass.

3 Q. Okay. But he was -- he was running
4 around --

5 A. Uh-huh (affirmative response).

6 Q. -- is what he was doing. Right?

7 A. Uh-huh (affirmative response).

8 Q. He was not attacking anybody?

9 A. No, sir.

10 Q. And Mrs. Goode told you about the LSD?

11 A. She did.

12 Q. Have you ever made an LSD arrest before?

13 A. No, sir, I haven't.

14 Q. Do you know anything about how LSD affects
15 a person?

16 A. It's a hallucinogenic is all I know.

17 Q. Have you -- in your training, were you
18 instructed on LSD ingestion?

19 A. Just how -- just the -- LSD's involved,
20 make sure you have some kind of gloves or something
21 else on you. You can be -- or it will come in
22 contact with your skin. You can be affected by it.

23 Q. You prepared two reports?

24 A. One was a memo to our lieutenant --
25 detective lieutenant.

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1 Q. So that's not -- is that considered part
2 of your report?

3 A. It's a interdepartmental memo.

4 Q. Can you identify the people in this photo?

5 A. I can't tell who any of those people are.
6 It looks like some EMS staff and fire.

7 Q. So how many fire people are on the scene?
8 Does each one -- let me ask you this.

9 A. I mean, I can count them on this. If
10 you're asking me how many was actually there, I
11 couldn't tell you.

12 Q. Well, I'm asking you in this photo, and
13 the question better put is, the ones with the patch
14 on the left side of their shirts, are those all EMS
15 people or fire people?

16 A. I believe those are just firemen.

17 Q. Okay. And who's the guy in the white
18 shirt who's pointing?

19 A. That's usually a fire supervisor, I
20 believe.

21 Q. Who's the guy with the blond hair behind
22 him?

23 A. I can't tell.

24 Q. Well, he's a very big guy.

25 A. I can't see what -- this whole picture is

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1 blurry. Because I know most of the firemen, but I
2 can't make any of those out.

3 Q. Okay. Well, tell me the firemen's name.

4 A. I can't make them out.

5 Q. You can't from this photo tell who any of
6 these people are?

7 A. No, sir. I don't -- I don't -- I don't
8 know the -- I know the firemen when I see them, but
9 I don't know them.

10 Q. Those are two police officers behind the
11 fire supervisor, are they not?

12 A. The one -- I really can't tell. That one
13 with the blue, I'm not sure what that is -- I'm not
14 sure who that is.

15 Q. You just --

16 A. It looks like he has a -- like a blue
17 chest patch or whatever. I don't know what that is.

18 Q. So you can't identify any of these people?

19 A. In this -- no, sir.

20 Q. All right. Does that picture depict the
21 bind in which you placed Troy Goode?

22 A. As far as before the -- being put on the
23 gurney, yes, sir.

24 Q. All right. Let me see that.

25 MR. EDWARDS: We're going to mark this as

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1 24.

2 (WHEREUPON, THE ABOVE-MENTIONED PHOTOGRAPH
3 WAS MARKED AS EXHIBIT NO. 24 TO THE DEPOSITION AND
4 IS HERETO ATTACHED.)

5 MR. HUSKISON: I think this is 25.

6 MR. JORDAN: I don't think the --

7 MR. EDWARDS: I didn't mark the last one.

8 MR. JORDAN: Okay. So the -- so this is
9 24?

10 MR. EDWARDS: Yeah.

11 MR. HUSKISON: Which one did you not mark?
12 The over -- overhead?

13 MR. EDWARDS: That's correct. We're
14 holding on that.

15 MR. HUSKISON: Have you got extra of the
16 one you just marked as 24?

17 MR. EDWARDS: Yeah. Here you go.

18 MR. HUSKISON: Thank you.

19 BY MR. EDWARDS:

20 Q. Here's what we've been provided as the
21 incident report. Did you prepare this?

22 A. Yes, sir, I did. This is half of it.

23 Q. I'm not finished.

24 A. Okay.

25 Q. We've also been provided this document

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1 which I believe is the memo you're referring to.

2 A. It is.

3 Q. All right. Did you prepare that?

4 A. I did.

5 Q. Okay. Which was prepared first?

6 A. The memo. It was prepared -- right after
7 I left the hospital, they told me to go to the
8 station and do a detailed memo, which is basically
9 our policy in how we do it, a detailed memo and then
10 a basic report.

11 Q. Okay. Hand me the memo that you said was
12 prepared first.

13 MR. EDWARDS: The memo will be 25.

14 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
15 WAS MARKED AS EXHIBIT NO. 25 TO THE DEPOSITION AND
16 IS HERETO ATTACHED.)

17 MR. EDWARDS: And the incident report will
18 be 26.

19 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
20 WAS MARKED AS EXHIBIT NO. 26 TO THE DEPOSITION AND
21 IS HERETO ATTACHED.)

22 BY MR. EDWARDS:

23 Q. I'll let you have those in case you need
24 to refer to them.

25 A. Okay.

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1 Q. Now, on either one of these documents, did
2 you confer, talk to anyone, before you prepared
3 them?

4 A. One person, but it was a peers counselor.
5 Right after the incident, I spoke with him.

6 Q. I'm sorry. Say that again.

7 A. Peers counselor. It's like for when some
8 kind of incident happens with the police such as,
9 you know, another officer gets shot, any kind of
10 traumatic incident, a peer counselor comes and talks
11 to the officer.

12 Q. What is the word that you're using for the
13 counselor?

14 A. Peer, P-E-E-R.

15 Q. Who was that peer counselor?

16 A. Chris Shelton.

17 Q. Who's he work for?

18 A. Southaven.

19 Q. Is he like internal affairs?

20 A. No, sir. He's like our chaplain, and
21 he's -- he's over like the dispatchers.

22 Q. Why would you have to talk to a peer
23 counselor over this incident?

24 A. Because it was a traumatic incident.

25 Q. Because of the death?

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1 A. Yes, sir. It was not -- it was not
2 supposed to happen.

3 Q. It's not supposed to happen, is it?

4 A. What's that?

5 Q. When you take a person into custody for
6 disorderly conduct, they're not supposed to end up
7 dead. Correct?

8 A. I would say that's correct. Yes, sir.

9 Q. Is the information in what we've marked as
10 those two exhibits all from yourself, or did you
11 have somebody assist you?

12 A. I did it myself.

13 Q. Where were you physically when you
14 prepared the first one, the memorandum?

15 A. At the police station.

16 Q. Yeah. Where in the police station?

17 A. When you walk in to the employee entrance,
18 there's a computer right to the left. I believe I
19 did this one on that one. This one, I -- I don't
20 remember which computer I was on exactly the actual
21 one. Because I came in the next day and did this
22 one.

23 Q. Is it in a larger room or private room?

24 A. It's in a big room. Yes, sir.

25 Q. Big room. So you came in and sat down at

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1 the computer and began to put down your thoughts.
2 Right?

3 **A. The memo. Yes, sir.**

4 Q. Okay. The memo, which is Exhibit 20 --

5 **A. 25.**

6 Q. 25. And so that would have been the
7 documentation you prepared closest in time to the
8 death of Troy Goode?

9 **A. Yes, sir.**

10 Q. All right. Now, I think we've already
11 established, you were the first on the scene at 3451
12 Goodman Road on July 18, 2015. Right?

13 **A. Yes, sir.**

14 Q. And you've told us that you were -- you
15 went in the ambulance. Right?

16 **A. That's correct.**

17 Q. Went into -- there's an indication that
18 Mr. Goode was -- you know what I mean by triage?

19 **A. Yeah. Kind of like the pre before they
20 put them in a room or what have you.**

21 Q. Yeah. The initial workup by the medical
22 personnel at the hospital.

23 **A. Yes, sir.**

24 Q. Did you go into the room where Mr. Goode
25 was triaged? It's referred to as the

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1 decontamination room.

2 A. Oh, yes, sir. I was in that.

3 Q. All right. Who else was in that room
4 during triage?

5 A. The --

6 MR. HUSKISON: Hold on just -- I don't
7 know if he said if he was in there during the
8 triage. He said he was in there.

9 A. I was in the room, in the decon room. I
10 don't -- when we take him to them, they -- they have
11 their own set of rules, the things that they do.

12 I don't -- I didn't watch everything they
13 were doing.

14 BY MR. EDWARDS:

15 Q. Well, we'll deal with them later. But
16 when you went into the decontamination room --

17 A. Yes, sir.

18 Q. -- was Troy Goode in there?

19 A. Yes, sir.

20 Q. Were there medical personnel in there?

21 A. Yes, sir.

22 Q. Who?

23 A. The EMS people were still there. A couple
24 of nurses came in. The security guard came in.

25 Q. All right. Let's -- do you know any names

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1 of medical personnel?

2 A. You mean the --

3 Q. Not any --

4 A. -- from the hospital?

5 Q. From the hospital.

6 A. No, sir, I don't.

7 Q. Were the nurses male or female?

8 A. The two that I remember were male -- or
9 I'm sorry. Male.

10 Q. Okay. Now, were you in the decon room
11 with this group -- how long did the -- well, first,
12 let me ask you, how long did the EMS from Southaven
13 stay in the decon room?

14 A. I wish I could remember. I don't remember
15 how long they were in there.

16 Q. Who from --

17 A. Because there were so many people coming
18 in and out, it was getting confusing at times.

19 Q. Who from Desoto County EMS was in the
20 room, decon room?

21 A. You mean from Desoto County EMS?

22 Q. Yes, sir.

23 A. Nobody that I know of.

24 MR. HUSKISON: Southaven. I think he
25 thinks of them as Southaven.

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1 BY MR. EDWARDS:

2 Q. I'm sorry. I'm used to Desoto County when
3 Burma Hobbs used to beat up everybody from
4 Whitehaven.

5 A. Lot of -- I understand.

6 Q. Have you ever heard of Burma Hobbs?

7 A. Yes, sir, I have.

8 Q. He's kind of a legend, isn't he?

9 A. He is.

10 Q. Okay.

11 MR. EDWARDS: Yes. Thank you for the
12 correction.

13 BY MR. EDWARDS:

14 Q. From -- from Southaven, how many EMS
15 personnel?

16 A. Two.

17 Q. And who were they?

18 A. The one -- one female and the other one
19 was a male. I don't -- I don't know their names.

20 Q. All right. They obviously had been in the
21 ambulance with you?

22 A. The female was in the back, and the male
23 was driving.

24 Q. Female's name is Stacie Graham. Ring a
25 bell?

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1 A. Yes, it does.

2 Q. All right.

3 A. Black haired lady?

4 Q. Yeah.

5 A. Yes.

6 Q. Okay. So did the nurses, the two nurses
7 you've described from the hospital, stay in the room
8 the entire time?

9 A. In the -- they -- one of them was at
10 one -- there was at least one in the decon room at
11 one point. The one would leave to go get something
12 and come back, and the other one might go get
13 something and come back. But there were at least
14 two -- or at least one in there each time while we
15 were in the decon room.

16 Q. Did they check out Mr. Goode?

17 A. They -- they were doing stuff with him. I
18 don't know exactly what they were doing.

19 Q. Did they check his oxygen saturation?

20 A. Like I said, I don't -- I have no idea.

21 Q. Now, when -- was there any police officer
22 other than yourself in the decon room?

23 A. They came and went. Officer Scallorn came
24 in and left. Obviously, Officer Rich was because he
25 was there with me.

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1 Scallorn came in to get him to take him
2 back to bring me my -- my car back so I could
3 transport Mr. Goode when they -- the hospital was
4 through.

5 Q. When Officer Rich left, was Mr. Goode
6 still in the decon room?

7 A. Yes, sir.

8 Q. Did that leave you as the sole Southaven
9 police officer in the room?

10 A. Yes, sir.

11 Q. Did you stay in the room, the decon room,
12 until Mr. Goode was moved to Room Number 9?

13 A. Yes, sir. I followed him to Room 9.

14 Q. Did any police officer walk with you from
15 decon to Room 9?

16 A. Not that I recall. No, sir.

17 Q. You just don't recall?

18 A. I don't. Not that I can recall. I just
19 remember walking. I don't remember if anybody else
20 was there.

21 Q. Mr. Goode was still shackled hands and
22 feet behind his back. Correct?

23 A. Yes, sir.

24 Q. And he was still prone face down on the
25 stretcher?

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1 A. Uh-huh (affirmative response).

2 Q. Yes?

3 A. Yes, sir.

4 Q. Still strapped down?

5 A. I don't -- I don't -- I'm not sure about
6 that.

7 Q. All right. So you walked -- how far did
8 you have to walk to get from the decon room to Room
9 9?

10 A. I wasn't really -- I mean, I don't
11 remember --

12 Q. Well --

13 A. -- how far it is. I mean, I don't -- I
14 wasn't -- I wasn't putting all this stuff in the
15 back of my head thinking this was going to be the
16 end result of what happened.

17 Q. The location of Room 9 is in the emergency
18 department. Correct?

19 A. It is. Yes, sir, it is.

20 Q. And Room 9 wasn't just next door to the
21 decon room, was it?

22 A. No, sir.

23 Q. So whatever the distance was, you had to
24 walk some degree of distance in order to get to the
25 room?

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1 A. A short distance.

2 Q. And when you say you followed, you
3 followed the gurney as it was being rolled?

4 A. Yes, sir.

5 Q. Who did the transport? Who pushed the
6 gurney?

7 A. I -- I don't recall.

8 Q. Baptist Hospital personnel?

9 A. Like I said, I don't recall. I don't
10 remember.

11 Q. Was security from Baptist still present?

12 A. I think they had already left at that
13 point. I don't -- I don't really remember.

14 Q. When security -- describe the security
15 officer or officers that came to the decon room.

16 A. Just a black male. I can't -- I mean, I
17 don't remember really any details about him.

18 Q. Did you talk to him?

19 A. Briefly.

20 Q. Did he make any suggestions about
21 Mr. Goode's condition?

22 A. Not that I can recall. No, sir.

23 Q. Did he say that Mr. Goode should not be
24 bound in such a fashion?

25 A. No, sir. I don't believe that would have

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1 been his call anyway. It's -- he's in hospital
2 care.

3 Q. Well, the security guard works for the
4 hospital, doesn't he?

5 A. Yes, sir. But he's not a -- he doesn't
6 have any medical expertise. He's a security guard.

7 Q. How do you -- how do you know?

8 A. Or he would -- well, I would hope he
9 didn't if he's working as a security guard.

10 Q. Does the hospital have restraints
11 available?

12 A. From when I asked, they said they had soft
13 restraints, but they wouldn't hold. They wouldn't
14 hold him from all the thrashing and kicking he was
15 doing.

16 Q. And you asked about restraints?

17 A. Yes, sir.

18 Q. Changing restraints?

19 A. I did.

20 Q. Why did you ask that question?

21 A. Because at the time, there were people
22 there that could help me with him. Because after we
23 got him to a room, it was only going to be me and
24 maybe a security guard or two security guards trying
25 to contain him. And it -- I mean, he wore us out on

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1 scene just trying to get him contained.

2 Q. He wore out at least four officers on the
3 scene?

4 A. He sure did. He never stopped.

5 Q. Okay. But my question really was, why did
6 you ask about changing shackles?

7 A. The main -- the main reason was, like I
8 said, if they wanted to do that, they needed -- we
9 needed to get it done right then while I had people
10 there that could help me.

11 Q. Doesn't respond to the question. Why did
12 you bring up the subject of changing shackles?

13 A. Because I didn't want to have to do it by
14 myself. That's what I'm telling you.

15 Q. Well, why change at all?

16 A. So they could treat him. If they want
17 to -- if they needed him -- that's what I said, if
18 they needed him turned over to be treated or leave
19 him like he is, whatever they need to do. But if
20 anything the way it's set up needed to be changed,
21 we needed to do it while I had some people, or I was
22 going to have to call some people up there if they
23 needed it done later.

24 Q. Well, how would changing the shackles at
25 that point in time have enabled medical treatment?

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1 A. Well, if they wanted to put like a monitor
2 on him, you know, they'd have -- they'd have to go
3 on his chest or anything. You know, that's their --
4 like I said, that's their expertise. That's why I
5 was asking if they needed anything done, they needed
6 to let me know while I had help there.

7 Q. Well, he was monitored in the ambulance on
8 his chest. Correct?

9 A. Yes, sir.

10 Q. So why couldn't the hospital do the same
11 thing?

12 A. Now, that -- that's not a question for me,
13 sir.

14 Q. Okay. So let's be real clear here. You
15 raised -- you personally raised the issue of
16 changing shackles?

17 A. Of changing his position.

18 Q. Changing his position?

19 A. Yes, sir.

20 Q. All right. That helps. About changing
21 his position with hospital personnel?

22 A. Yes, sir.

23 Q. Who?

24 A. It was one of the white male nurses, but
25 he was -- there was a tall one and a short one. It

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1 was the shorter one. I don't know their names.

2 Q. Were they both white males?

3 A. The two nurses. Yes, sir.

4 Q. Yes.

5 A. Yes, sir.

6 Q. Don't know their names?

7 A. No, sir.

8 Q. Did you talk to anybody else at
9 Baptist-Desoto besides -- working for the hospital,
10 hospital representatives, besides these two male
11 nurses about changing the position?

12 A. No, sir.

13 Q. And did both of the nurses respond or just
14 one?

15 A. Just -- I only spoke with the one.

16 Q. And this -- this was the shorter of the
17 two?

18 A. Yes, sir.

19 Q. How -- excuse me. How old were these men?

20 A. I don't -- I don't recall. I don't -- I
21 don't know their ages. I don't know their names.

22 Q. Color hair?

23 A. I want to say it was black or brown.

24 Q. Both of them?

25 A. Yes, sir.

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1 Q. Okay. So when you raised the issue about
2 changing Mr. Goode's position, what did the male
3 nurse of shorter stature tell you?

4 A. That the soft restraints wouldn't hold.

5 Q. He told you specifically that the soft
6 restraints would not hold?

7 A. With his erratic behavior, it would not --
8 would not hold.

9 Q. Did you question that?

10 A. No, sir.

11 Q. But you accepted that at face value?

12 A. They were in -- yeah. We turned them over
13 to the hospital. I was just -- if they wanted to
14 facilitate any move, we needed to do it while I had
15 people there.

16 Q. Well, you've been in situations before
17 where hospitals have -- have unruly patients.
18 Right?

19 A. Yes, sir.

20 Q. Hospitals have protocols for handling
21 unruly patients?

22 MR. HUSKISON: Object to the form.

23 A. If they do, I don't know.

24 BY MR. EDWARDS:

25 Q. Well, you've been there -- you've been in

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1 hospitals before with unruly patients where the
2 hospital subdued them. Right?

3 A. Well, if they subdue them, we don't --
4 they don't ever -- they don't call us if their
5 security gets them under control. It's if they
6 can't, they call us. And then if they discharge
7 them, they go with us.

8 Q. Have you ever --

9 A. If they don't discharge them, they stay at
10 the hospital.

11 Q. Have you ever used a chemical sedative
12 that was administered through the nose?

13 A. Have I ever used one?

14 Q. Uh-huh (affirmative response).

15 A. Now, what are we speaking --

16 Q. Not on yourself.

17 A. What are we speaking of? I mean, as far
18 as -- no, sir. I mean, I'm not sure what you're
19 asking me.

20 Q. I'm asking you if you've ever --

21 A. I'm -- I'm not a medical personnel. I
22 don't administer any medication to anybody.

23 Q. Have you ever seen a chemical sedative
24 administered nasally?

25 A. Yes, sir. I have seen it.

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1 Q. Where did you see it?

2 A. Here recently, it's real common with
3 people that are overdosing on heroin. They give
4 them that nasal -- what is it? Whatever the drug
5 is.

6 Like I said, I'm not medical. So -- they
7 give them that so they'll come back to.

8 Q. And who is they that you're referring to?

9 A. Either -- it's usually EMS gives that on
10 the scene.

11 Q. For patients that are -- for suspects that
12 are really unruly?

13 A. No. These people aren't moving. They're
14 pretty much dead. They give them the Narcan, and
15 they come back.

16 Q. I'm talking about a sedative, not a
17 revival agent.

18 A. Oh, no. I've never seen any kind of
19 sedative given nasally.

20 Q. Never seen it used?

21 A. (Witness shakes head negatively).

22 MR. HUSKISON: Answer the question.

23 A. No, sir.

24 BY MR. EDWARDS:

25 Q. Now, you've already told us you stayed in

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1 Room 9 with Mr. Goode until he expired. Correct?

2 A. Yes, sir.

3 Q. For the entire period of time, his -- he
4 was shackled behind his back. Correct?

5 A. Four-point restraints. Yes, sir.

6 Q. Yeah. And for the entire time, he was
7 face down on the mattress. Correct?

8 A. That's correct. Well, to say face -- he
9 was belly down. His head was turned to the side.

10 Q. Have you ever been instructed at all what
11 that position does to the diaphragm?

12 A. No, sir.

13 Q. All right. I want to ask you some
14 questions about what we have marked as Exhibit 26.

15 A. Okay.

16 Q. Okay?

17 MR. HUSKISON: Mr. Edwards, before you get
18 started, I think he said that that was a partial
19 incident report.

20 THE WITNESS: It's Page 3 and 4.

21 MR. EDWARDS: Right.

22 MR. HUSKISON: There are two -- one and
23 two pages. So --

24 THE WITNESS: It mainly just has like the
25 address of where it was and --

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1 MR. HUSKISON: Okay.

2 THE WITNESS: -- I think her name. It
3 has her name, I believe, as a...

4 BY MR. EDWARDS:

5 Q. I looked at those.

6 A. I think that's all I had in it.

7 Q. Yeah. I looked at those. And it really
8 didn't have any substantive information in it.

9 A. No, sir.

10 Q. Would that be correct?

11 A. That would be correct.

12 Q. The real meat, if you will, of the report
13 is under the narrative information?

14 A. Yes, sir.

15 Q. And this narrative information is what you
16 prepared?

17 A. That's correct.

18 Q. By yourself?

19 A. Yes, sir.

20 Q. All right. Let's take a look at this.

21 You were dispatched to the scene. And I guess that
22 was over -- over the radio. Right?

23 A. That's correct.

24 Q. And when you approached the scene on
25 Goodman Road, a white male, which we now know to

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1 have been Troy Goode, was walking back towards the
2 parking lot. Right?

3 **A. Yes, sir.**

4 **Q. Okay. Now --**

5 **A. I didn't know it was him at the time. I**
6 **assumed it was. But with the description they gave**
7 **out of the white shirt and tan shorts...**

8 **Q. He was walking back towards the parking**
9 **lot. Right?**

10 **A. Walking back toward the -- where I was**
11 **headed, that parking lot. Yes, sir.**

12 **Q. All right. I want you -- let's go back to**
13 **what you started working on. And I'm going to give**
14 **you this Sharpie again.**

15 **And I want you to put a Number 3 where**
16 **Troy Goode was when you first saw him.**

17 **A. Circle it?**

18 **Q. Please.**

19 **MR. JORDAN: Can you point it with the pen**
20 **so we can see?**

21 **(WITNESS COMPLIES)**

22 **MR. JORDAN: Okay. Thank you.**

23 **BY MR. EDWARDS:**

24 **Q. Now, going on in the report, you say you**
25 **arrived on the -- on the scene and spoke with Kelli**

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1 Denise Goode, white female, date of birth, so, so.
2 Correct?

3 **A. That's correct.**

4 Q. Now, put a Number 4, please, sir, on the
5 overhead of where you and Mrs. Goode were standing.

6 **A. It's the same as Number 1.**

7 Q. Same as Number 1. All right. Very good.
8 And Mrs. Goode told you that her husband was Troy
9 Goode. Right? That's where you first learned?

10 **A. I believe whether -- I don't -- I can't**
11 **remember whether I got his name right away. I was**
12 **asking her what was wrong with him.**

13 Q. All right. She -- she said, according to
14 your report --

15 **A. Uh-huh (affirmative response).**

16 Q. -- that Mr. Goode had dropped three to
17 five hits of LSD?

18 **A. That's correct.**

19 Q. You still believe that amount to be
20 correct?

21 **A. Yes, sir.**

22 Q. Have you seen the toxicology report from
23 the state of Mississippi?

24 **A. No, sir.**

25 Q. But you're sure that's what she told you?

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1 A. That's exactly what she said.

2 Q. Okay. Then going on down, you say that
3 Troy began to approach us. And you mean you and
4 Mrs. Goode?

5 A. Mrs. Goode. Yes, sir.

6 Q. And you asked him if he was okay?

7 A. Uh-huh (affirmative response).

8 Q. He said no. Right?

9 A. Uh-huh (affirmative response).

10 Q. What was he -- was he walking towards you
11 when you asked him the question? Was he standing
12 still?

13 A. He was just kind of running around in
14 circles and acting really strange.

15 Q. Well, if he was running around in circles,
16 how was he approaching you?

17 A. Well, he was coming up to us, and it
18 was -- I say circles, not big circles, like little
19 small -- almost like barely moving one of his feet,
20 just kind of spinning around one way, spinning
21 around the other way. Then he would just take off
22 running, and he'd come back. Then he was doing it
23 again.

24 It was kind of like -- best way I can
25 describe it, I guess, without -- it might sound bad.

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1 But it was kind of like, you know, you have a little
2 puppy. You call it to you. It gets up to you. And
3 when you say something to it, it does a bunch of
4 little circles and takes off running. That's what
5 he was continually doing.

6 Q. Okay. So he didn't run up and threaten
7 you?

8 A. No, sir.

9 Q. And then you say he began running around
10 in the parking lot. Mark where he was running
11 around in the parking lot with a Number 4, I guess
12 is where we are.

13 A. Use a 4 this time on it? I mean, it
14 was -- it was all over the bottom part of this
15 parking lot.

16 Q. Okay. Well -- well, go ahead and wherever
17 that is, just circle it where he was running around.

18 A. (Witness complies).

19 Q. And just put a 5 in there -- or 4. Right.
20 Okay.

21 A. (Witness complies).

22 Q. Now, let me see that. So --

23 A. I mean, that was for a short period of
24 time.

25 Q. I understand. And so you placed a 4 --

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1 MR. EDWARDS: Can you guys see it right
2 here?

3 BY MR. EDWARDS:

4 Q. -- up at the top of the grassy area where
5 the parking lot meets the grass. Right? And Number
6 2 is when --

7 A. That's Officer Scallorn's --

8 Q. Right.

9 A. -- Tahoe.

10 Q. Was he there by the time that Mr. Goode
11 was running around in --

12 A. He was --

13 Q. -- Area 4?

14 A. From what I remember, he was already in
15 the grass by then. Because I remember getting on
16 the radio and telling him he's coming towards you.

17 Q. Okay. So draw an arrow from Number 4 in
18 the direction that Mr. Goode ran, please.

19 A. I mean, it's hard to -- there is no
20 straight line that he ran from there.

21 Q. Okay. Well, draw a crooked arrow.

22 A. I mean --

23 MR. HUSKISON: It's an estimate.

24 A. It's just an estimate.

25 MR. HUSKISON: Do the best you can.

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1 A. You just want to know where the -- pretty
2 much his direction of which way he went?

3 BY MR. EDWARDS:

4 Q. Yeah, I do.

5 A. (Witness complies).

6 Q. Okay. Let's see. So with, perhaps, some
7 deviations --

8 A. Yes.

9 Q. -- generally, he was headed straight
10 towards Officer Scallorn's K9 vehicle?

11 A. Yes, sir.

12 Q. All right.

13 A. At one point or -- I don't know if he saw
14 it and ran to it or if...

15 Q. Was he --

16 A. I'm not sure.

17 Q. Was he in an all out run, or was he --

18 A. Like a -- I guess you could say like a
19 little medium jog at that point.

20 Q. All right.

21 A. Continually, never stopped.

22 Q. Okay. And then you say that he went up to
23 the K9 unit and opened the rear door?

24 A. That's what I saw. Yes, sir.

25 Q. Did he open the door as any person would

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1 getting into a vehicle?

2 A. Not -- not the way I -- not that car. It
3 says caution, K9 inside. The dog was barking. I
4 could hear the dog barking from the -- from the --
5 because he was running around like that, and it cued
6 the dog in, and the dog started barking.

7 Q. Well, what I mean is did he just open the
8 door as one might getting into a vehicle, or did he
9 slam it open? How did he -- how did he do it?

10 A. He pulled the handle and opened the door.
11 I mean, there's not too many people open the back
12 door of a police car wanting to get into it. Most
13 people, that's not the seat they want to be in.

14 Q. Did you see him hold his hands up before
15 he got into the car?

16 A. Who?

17 Q. Who are we talking about? Troy Goode.

18 A. Hold it before he got into what car?

19 Q. Before he opened the door.

20 A. I don't recall that. No, sir.

21 Q. Okay. All right. And then so he opened
22 the door, and the K9 got out. Right?

23 A. Yes, sir.

24 Q. What did the dog do?

25 A. From that -- when he did that, that's when

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1 Officer Scallorn said, I need some help. So that's
2 when I took off running down there.

3 Between what happened there, it looked
4 like the dog came out and nipped at him. Officer
5 Scallorn grabbed his dog back. I could hear him
6 yelling, get on the ground, get on the ground. And
7 he took off running again.

8 So Officer -- Officer Scallorn had the dog
9 apprehend him. And he punched the dog in the head.
10 The dog let go.

11 He continued to run. I started to chase
12 after him. I wasn't gaining any ground on the guy
13 whatsoever.

14 Q. All right. Well, let's -- let's not go
15 too far.

16 A. Okay.

17 Q. I want to take this step at a step.

18 A. All right.

19 Q. He -- he -- Troy opened the back door.
20 Did the dog come out of the car?

21 A. Eventually, yes, sir, it did.

22 Q. Well, wait a minute.

23 A. Because the door -- that back door is a
24 bail-out door.

25 Q. I'm sorry. What?

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1 A. It's a bail-out door. It's when -- it's
2 made -- that -- that's not the side -- that's not
3 the door you want to open on a K9 vehicle.

4 Q. Why?

5 A. That's the -- that's the bail-out door.
6 In other words, when he hit that -- there is a
7 button you can hit, and that door opens
8 automatically, and the dog comes out.

9 Q. Okay. So I'm not getting the significance
10 of why it was of importance that the bail-out door
11 was the one that was opened.

12 A. It's always on the passenger side, the
13 bail-out door. And it's usually the one we do to
14 where I -- I was in K9 for seven years. And when
15 you -- we would use it for training.

16 We would, you know, like get to our
17 position we need to be in. Then you could hit that
18 button. The door would open, and you call the dog
19 to you. And then the dog comes over to you.

20 So what I'm -- what I'm saying is when he
21 opened that door, the dog was coming out and looking
22 for something that -- you know, he was looking for
23 his handler, but it wasn't him.

24 Q. Did the dog tell you that?

25 A. Huh?

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1 Q. Did the --

2 A. I've trained --

3 MR. HUSKISON: Object to the form.

4 A. I've been a K9 handler for seven years, or
5 I was.

6 BY MR. EDWARDS:

7 Q. Okay. Good. All right. But you -- the
8 door opened up. Did you say the dog did not come
9 out immediately?

10 A. Like I said, I was running --

11 Q. You don't --

12 A. -- at that point.

13 Q. So -- so is the answer, you don't know?

14 A. I don't -- yeah. I was running. I don't
15 know. It came out at one point. I don't know
16 exactly if it was immediately or afterward. When --
17 when he said get down here, I took off running.

18 Q. All right. At the point -- obviously, the
19 K9 vehicle was parallel with Goodman Road?

20 A. Yeah. It was the front back east and
21 west. Yes, sir.

22 Q. Yeah. And so Troy, when he opened this
23 door, was -- the K9 vehicle was between him and
24 Goodman Road. Right?

25 A. It was. And he was on the grass side of

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1 Goodman Road --

2 Q. Yes.

3 A. -- when he opened the door.

4 Q. I understand. He was -- he was blocked
5 from Goodman Road by the K9 vehicle?

6 A. At that point, yes, sir.

7 Q. Yeah. And so the dog at some point in
8 time came out?

9 A. Yes, sir.

10 Q. And what did the dog do?

11 A. It first looked like it nipped at him.
12 Officer Scallorn grabbed the dog. Because he was
13 standing behind the Tahoe when all this went down.
14 The guy just run up and opened his door.

15 He ran over there to get his dog. And
16 when he told him to get on the ground, he wouldn't
17 do it.

18 Q. When you say the dog nipped at him, what
19 do you mean?

20 A. I don't know if it got him or not. I
21 don't know if it -- I don't know if it just got
22 clothes or him. I'm not sure at that point what
23 he -- like I said, I was running down there. I
24 could just -- I could see a little bit, but I
25 couldn't see everything.

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1 Nipped just means I heard -- you hear
2 constant barking. Then you hear like a snap.
3 That's the dog closing his jaws. You can hear that
4 from a good distance.

5 Q. Well, nipped seems to be a popular word
6 down there with the police department. It shows up
7 repeatedly in these statements. Right?

8 MR. HUSKISON: Object to the form.

9 A. I have no idea about that.

10 BY MR. EDWARDS:

11 Q. Did you guys confer about the terminology
12 to be used before you did the statement?

13 A. No, sir.

14 Q. It's just coincidental that nipped shows
15 up at least three times among --

16 A. I mean, like I said --

17 MR. HUSKISON: Object to the form.

18 A. -- I used to be a handler, and that's a
19 term we've used being handlers.

20 BY MR. EDWARDS:

21 Q. Did -- did the dog contact with Troy
22 Goode?

23 A. At one point, yes, sir.

24 Q. When he nipped, did he --

25 A. I have no idea. You'll have to ask the

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1 handler.

2 Q. Okay. So is what you have marked as
3 Number 2 on this overhead the location of where the
4 dog would have exited the vehicle?

5 A. Yes. On the grass side. Yes, sir.

6 Q. On the grass side. Now, where was Officer
7 Scallorn at the time that the dog got out of the
8 unit?

9 A. He was -- from where my viewpoint, he was
10 coming around the back of his Tahoe. Because he had
11 to -- he had to exit. Because right when he pulled
12 up, he started running right toward his Tahoe.

13 He had to exit and came around. And he
14 got to about the back of the Tahoe and came around
15 back of the corner and started like don't -- you
16 know, I couldn't tell what he was saying. I
17 couldn't tell -- I could see his mouth moving, but I
18 couldn't tell what he was saying at the time.

19 Q. All right. So Troy opens the door. At
20 some point, the dog gets out.

21 A. Uh-huh (affirmative response).

22 Q. Officer Scallorn has gotten out on the
23 driver's side, which is next to -- adjacent to
24 Goodman Road. Right?

25 A. That's correct.

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1 Q. And he walked around the rear of his K9
2 unit.

3 A. Uh-huh (affirmative response).

4 Q. Right?

5 A. (Witness nods affirmatively).

6 Q. So he's standing at the back, and you can
7 see Officer Scallorn talking. Correct?

8 A. He's yelling something. You could tell.

9 Q. What was he yelling?

10 A. I -- I couldn't hear him.

11 Q. What was Troy doing when Officer Scallorn
12 was yelling?

13 A. Reaching for the door handle.

14 Q. All right. So Officer Scallorn was
15 already out of the unit by the time -- and at the
16 rear by the time that Troy opened the door?

17 A. He was coming around the corner. And
18 that's when he -- he got all the way around the
19 corner. He was reaching for the door handle.

20 Q. Was he coming around the corner on the
21 side of the grass?

22 A. Yeah. He -- you know, as police officers,
23 you don't cut any corner short. So he wasn't like
24 hugging the end of his Tahoe. He was coming out
25 wide. Because he couldn't see him. So it was kind

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1 of like a -- you know, they call it slicing the pie.
2 He was trying to move around the Tahoe and use it as
3 cover till he could see him.

4 Then when he saw him, he -- I could tell
5 he was yelling, but I couldn't tell what he was
6 yelling.

7 Q. By the time that Officer Scallorn was
8 clear of the rear of the vehicle and able to see
9 Troy, was the dog out of the car?

10 A. No. No, sir. Not at that point. Because
11 I seen him reaching for the handle.

12 Q. Okay. So by the time Officer Scallorn got
13 clear of the rear of the vehicle, Troy was just
14 reaching for the handle. Right?

15 A. He was in the process of it.

16 Q. Yeah.

17 A. He was reaching.

18 Q. Okay.

19 A. That's what I recall.

20 Q. And then Officer Scallorn did what? What
21 was his next move?

22 A. Well, I mean, from what I could --
23 that's -- he started -- he was saying something. I
24 don't know what it was. And the door came open.
25 And he moved over there to try to get his partner.

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1 Q. And how did Officer Scallorn try to get
2 his partner? By partner, you're referring to the
3 dog. Right?

4 A. Yes, sir.

5 Q. Okay. What -- how did Officer Scallorn
6 try to get his partner?

7 A. He was just trying to get control of him
8 to get him.

9 Q. Well, that's what I'm asking you. How do
10 you get control of a police dog?

11 A. Call them to you and hold them by their
12 either choke chain or leather collar.

13 Q. Did --

14 A. -- with one hand, and you hold on to it.

15 Q. You actually hold on to the --

16 A. Up underneath --

17 Q. -- the collar?

18 A. -- you hold on.

19 Q. Up -- up underneath the collar on the
20 back --

21 A. On the back.

22 Q. -- of the neck?

23 A. On the back. On the back side.

24 Q. Okay. And is that what Officer Scallorn
25 did?

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1 A. That's what I saw. Yes, sir.

2 Q. Okay. Was Troy still standing there at
3 the point that Officer Scallorn grabbed the dog by
4 the collar?

5 A. Yeah. He was still just doing a little
6 running around in circle thing.

7 Q. Okay. Did -- did Troy approach Officer
8 Scallorn walking, running in any fashion?

9 A. Well, at that -- right after he got
10 control of the dog, he told him to get on the
11 ground, and he didn't comply.

12 Q. Okay. What did he do, Troy?

13 A. Took off running.

14 Q. Okay. Now, I want you to go back to our
15 exhibit, and I want you to put an arrow in the
16 direction that Troy started running.

17 A. The first time or the second time?

18 Q. At the point in time when Officer Scallorn
19 took control of the dog and Troy took off running.

20 A. (Witness complies). Just kind of back the
21 way he came, if that makes any sense to y'all.

22 Q. Well, let's --

23 A. He only -- he only got like two steps.

24 Q. That's -- that's -- I appreciate that.
25 But can I do this: Is this the arrow -- is this

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1 little arrow where you're trying to say that --

2 A. Yes, sir.

3 Q. -- he started running?

4 A. Uh-huh (affirmative response).

5 Q. All right. I'm going to make this larger.

6 A. He started running away from Officer
7 Scallorn.

8 Q. But he was running back towards the
9 parking lot?

10 A. Yes, sir.

11 Q. All right. So I'm going to make that a
12 bit larger.

13 A. Uh-huh (affirmative response).

14 Q. And so your first arrow where he ran
15 towards Officer Scallorn, I'm going to mark with an

16 A. Is that okay?

17 A. Uh-huh (affirmative response).

18 Q. All right. So we've going to make that A.
19 And B will be where Troy began to run away from
20 Officer Scallorn. Right?

21 A. That's correct.

22 Q. Is that good?

23 MR. JORDAN: Before you go on, will you
24 just circulate that down the table --

25 MR. EDWARDS: I will.

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1 MR. JORDAN: -- just real quickly?

2 MR. EDWARDS: Sure.

3 MR. JORDAN: Just so I can --

4 MR. EDWARDS: Yeah. Why don't we -- what
5 time is it?

6 MR. HUSKISON: Take a short break?

7 MR. EDWARDS: Yeah. Let's do.

8 MR. HUSKISON: Yeah.

9 VIDEO SPECIALIST: Going off the record.
10 The time is 10:49.

11 (SHORT BREAK)

12 VIDEO SPECIALIST: Going back on the
13 record. The time is 11:01.

14 BY MR. EDWARDS:

15 Q. All right, Officer. We were talking about
16 you had just marked the overhead with the direction
17 in which Troy was running after Officer Scallorn
18 came around the rear of the K9 vehicle.

19 What happened next?

20 A. That's where he -- he was going back that
21 way. He was like running in like little circles.
22 And officer Scallorn told him to get on the ground.
23 And he just kept doing the same and, you know,
24 heading back in that general direction.

25 And Officer Scallorn apprehended him with

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1 his partner. And Troy punched the dog in the head.
2 At one point, the dog let go. When he did, the dog
3 came back to Scallorn, and then Troy started running
4 back the other way.

5 Q. Now, what other way did he run?

6 A. Back west.

7 Q. Back west?

8 A. Yeah.

9 Q. All right. So that would -- as we're
10 looking -- as we're looking at the diagram, that
11 would be to the left. Right?

12 A. To the -- yes.

13 Q. Okay. Now, how --

14 A. At an -- at an angle, little bit of an
15 angle.

16 Q. All right. How far up -- how far away
17 from the K9 vehicle did Troy get when Officer
18 Scallorn ordered the dog to attack?

19 A. Just a couple of feet, maybe two, three
20 feet.

21 Q. And where were you when Officer Scallorn
22 ordered the dog to attack?

23 A. Coming -- still coming down the hill.

24 Q. Well, how far away were you?

25 A. Well, I was -- seeing with him and he had

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1 the dog that way, so I was having to run back west
2 and then go north. So I -- because if he's giving
3 commands with the dog, you know, I don't want to be
4 in between the dog and whoever he's giving the
5 commands.

6 I don't want to dog key in on me. So I
7 went back west and then back north. So it took me a
8 little longer to get there.

9 I would say I was about --

10 Q. Sounds like you were running around in
11 circles.

12 A. No. I was running -- I had a destination.

13 Q. And your destination was what?

14 A. To get down there to help Officer Scallorn
15 without getting bit by his dog.

16 Q. Well, Officer Scallorn was not doing
17 anything personally, was he?

18 A. How do you mean?

19 Q. He was not subduing Troy?

20 A. He -- he was giving him commands to get on
21 the ground.

22 Q. He was -- yes. But he was not hands-on
23 Troy?

24 A. He had -- he had his dog. He couldn't.

25 Q. How far away was Officer Scallorn when the

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1 dog first attacked Troy upon order of Officer
2 Scallorn?

3 A. How far were they apart?

4 Q. Yes, sir.

5 A. I'd say maybe five feet.

6 Q. Okay. And you were coming down the hill
7 towards this activity. Right?

8 A. I was coming running northwest.

9 Q. Okay. Were there other officers on the
10 scene at this point?

11 A. If they were, they were in the parking lot
12 or something. I didn't see them.

13 Q. Actually, how many police vehicles
14 ultimately were on the scene?

15 A. I wish I could tell you. I don't know.

16 Q. Well, there were at least --

17 A. There were fire trucks, ambulances. The
18 parking lot was full. There was a concert going on.

19 I don't -- I don't -- I don't know how
20 many cars were there. I don't know who came and
21 left before I saw it. I can't give you an accurate
22 number.

23 Q. All right. Now, when Mr. Goode was
24 initially attacked by the dog upon order of Officer
25 Scallorn, there was about five feet of distance

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1 between the officer and Mr. Goode. Correct?

2 A. In my estimate. Yes, sir.

3 Q. Yeah. And the dog attacked what part of
4 Mr. Goode's body?

5 A. Arm.

6 Q. Left or right?

7 A. I'm trying to -- let's see.

8 Q. You say apprehended on the left arm.

9 A. Left arm. Yes, sir.

10 Q. Okay. Did the bite draw blood?

11 A. I -- even at the -- I didn't -- I didn't
12 see much blood. No, sir.

13 Q. Was there any blood?

14 A. It was very little.

15 Q. After this first bite?

16 A. I don't remember seeing much at all. No,
17 sir.

18 Q. Not even after the second bite?

19 A. Not much. Not -- I didn't really -- I
20 didn't really look at the bite until we got to the
21 hospital. And there wasn't much blood that I
22 remember.

23 Q. Okay. So the dog, upon Officer Scallorn's
24 order, attacks Mr. Goode and grabs his left arm.
25 Correct?

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1 A. Turned it around the other way but yes,
2 sir.

3 Q. Pardon?

4 A. Like this way.

5 Q Well, did the dog attack from the front or
6 the back? Was Mr. Goode facing him?

7 A. Well, he was doing the little -- whatever
8 little dance thing he was doing. And then the
9 dog -- then he sent the dog.

10 And at the time, he must have been facing
11 toward him if his arm was up, or he tried to block
12 the dog. I really don't know.

13 Q. So Mr. Goode was -- at the time that the
14 dog was ordered to attack and did attack, Mr. Goode
15 was facing the dog and put his arm like this?

16 A. I don't know if he put his arm up. The
17 dog -- the dogs are trained on the -- on the arms.

18 Q. Okay. But no question but that Mr. Goode
19 was facing the dog at the time the dog attacked?

20 A. I would say it would have to be.

21 Q. All right. Now --

22 MR. HUSKISON: Hold on. At the time he
23 attacked or at the time he ordered the apprehension?
24 That's two different times. Because he had to go a
25 ways before he apprehended him.

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1 MR. EDWARDS: My question was quite clear.
2 Thank you.

3 MR. HUSKISON: I don't think so --

4 MR. EDWARDS: Well, you can object to the
5 form.

6 MR. HUSKISON: -- just for the record.

7 BY MR. EDWARDS:

8 Q. Okay. Then you said something about the
9 dog released?

10 A. Uh-huh (affirmative response).

11 Q. Yes?

12 A. It did.

13 Q. And why did the dog release?

14 A. You'd have to ask his handler. I don't
15 know on that one.

16 Q. Was it on command?

17 A. I -- like I said, I was still running. I
18 didn't get down there until he had control back of
19 his dog. And then Mr. Goode took off running again.

20 Q. Well, he was -- he was never running away,
21 was he? He was just running around in circles, as
22 you've described him.

23 A. The first time -- the second time, he took
24 off running away.

25 Q. Okay. Well, after he'd been bitten by the

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1 dog. Right?

2 A. It -- the -- that -- yeah. That's true.

3 But he had no reaction to the -- the dog bite.

4 Q. He didn't?

5 A. He -- he was unfazed by it.

6 Q. He didn't yell out?

7 A. He was yelling the whole time. I mean, he
8 never quit yelling.

9 Q. So what type of dog was this that did not
10 phase Mr. Goode at this first attack?

11 A. Belgian or -- yeah. Belgian Malinois.

12 Q. And how -- so the Belgian Malinois -- am I
13 pronouncing it correctly?

14 A. Yes, sir.

15 Q. Released Mr. Goode upon something that
16 Officer Scallorn did?

17 A. I'm not sure why he released. Like I
18 said, I was still running.

19 Q. Okay. And so after the dog released the
20 left arm of Mr. Goode, Mr. Goode began to run again?

21 A. He did.

22 Q. All right. Now, let's mark another arrow,
23 which we'll say is C, in the direction in which
24 Mr. Goode began to run from the point of dog attack
25 first.

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1 A. (Witness complies). I don't know if they
2 can see that or not.

3 Q. Yeah. So he started running west on
4 Goodman Road?

5 A. Kind of north -- northwest, more west than
6 north but northwest.

7 Q. And by this time, there were two more
8 vehicles behind the K9 unit?

9 A. I don't remember any other cars being back
10 there. It's possible. I wasn't -- I started
11 chasing him. So I wasn't looking at what car --
12 nobody else was out there. So obviously, if they
13 were, they were just sitting there.

14 Q. Well, there were three units back to back
15 along Goodman Road. Correct?

16 A. I have no idea.

17 Q. All right. Let me have that. So
18 Mr. Goode takes off running. How far did he get
19 from the place of the initial attack?

20 A. You want me to give a distance or draw it
21 on the thing? I mean, you're --

22 Q. Yeah. Give me -- did he take five steps,
23 ten steps? How far did he get?

24 A. Well, he -- he was actually running in a
25 direction this time. So it's hard to say how many

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1 steps he took.

2 Q. How far did he go?

3 A. I wasn't counting them. He ran past the
4 Tahoe. I just remember getting to -- you can see on
5 the little picture where the edge is like kind of
6 where I said he was at. He didn't get quite that
7 far. And he turned around and started running back
8 up the little hill.

9 Q. So he turned away from Goodman Road and
10 began running up towards the parking lot?

11 A. At one point. Yes, sir. Because the
12 dog -- the second time that he sent the dog, the dog
13 ran right past me because he was running toward
14 Goodman Road.

15 Q. Okay. Let's -- let's put another arrow on
16 there where Mr. Goode turned and ran towards the
17 parking lot.

18 A. Like how far he went? He went up this
19 little hill, but he turned about like that right
20 there.

21 Q. So that's going to be -- you've marked an
22 arrow from your previous arrow. You've extended it.
23 So that will be D.

24 And that's when he took off running after
25 the first dog attack. Right?

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1 A. Yeah. Yes, sir.

2 Q. And he had turned headed back up towards
3 the parking lot and his wife. Correct?

4 A. He had just turned back in that direction.
5 He real -- he turned back and was basically running
6 east at that point. He wasn't going back south.

7 Q. Was his -- was his -- was his wife still
8 up in the area of the parking lot where you --

9 A. She was still back on that far side of the
10 parking lot.

11 Q. Okay. And you started chasing Mr. Goode
12 when he took off after the first dog --

13 A. Right. Because I had just got there. And
14 Officer Scallorn had got his dog, and he took off
15 running. So I started chasing after him, and...

16 Q. How close were you to Mr. Goode when you
17 were chasing him?

18 A. He was pulling away from me. I couldn't
19 catch him.

20 Q. How close to you -- how close were you to
21 Mr. Goode at any point in time?

22 A. Maybe when it first started, about two
23 feet, two and a half feet.

24 Q. And by this time, there were other
25 officers on the scene?

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1 A. If -- if they were, they weren't down
2 there where we were at.

3 Q. Were there other officers on the scene?

4 A. I couldn't tell you.

5 Q. Okay. And so when you got within two
6 feet --

7 A. Well, it was at the very beginning.

8 Q. So you got close on him?

9 A. About two feet. Yeah. And he was
10 steady -- that's -- right when I got down there when
11 he ran past, I was about two feet. And then from
12 there, he was -- he was gone.

13 Q. Just --

14 A. He's fast.

15 Q. Really?

16 A. Oh, yeah.

17 Q. Okay. So -- but you continued to pursue.
18 Right?

19 A. And Officer Scallorn told -- right --
20 right after I started and Officer Scallorn saw that
21 he wasn't gaining no ground on him, he told me to
22 stop. I stopped.

23 And he was still running toward the road.
24 And then he -- the dog ran toward me. And I was
25 stopped. So he ran past me.

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1 And then that's when he cut that little
2 corner and started running back up toward the hill.
3 The dog turned when he turned.

4 Q. So the dog ran right past you?

5 A. Yes, sir.

6 Q. The dog didn't have any problems keeping
7 you straight from Mr. Goode. Right?

8 A. No, sir. It's part of the training.

9 Q. So your fears about -- that you expressed
10 earlier about running down to help Dr. -- Officer
11 Scallorn were -- were ill founded?

12 A. No. That's incorrect. I was running.
13 The dog goes after the moving -- they get
14 acquisition on a moving target.

15 I was running. And if the dog got keyed
16 in on me running, he would come after me. But now
17 that I'm still, he'll go past me if somebody else is
18 running.

19 Q. Okay. So the dog passes you. He attacks
20 Mr. Goode?

21 A. Yeah, after he gets past me. Yes, sir.

22 Q. And how far were you from the point at
23 which the dog attacked Mr. Goode for the second
24 time?

25 A. Well --

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1 MR. HUSKISON: Object to the form. When
2 are you talking about the second time? You're
3 talking about the first time when he opened the door
4 on him?

5 MR. EDWARDS: No.

6 BY MR. EDWARDS:

7 Q. He's already been attacked once. Right?
8 He was attacked once down -- down --

9 A. By the truck?

10 Q. Yeah.

11 A. Uh-huh (affirmative response).

12 MR. HUSKISON: When he opened the door?

13 THE WITNESS: Uh-huh (affirmative
14 response).

15 MR. EDWARDS: No.

16 THE WITNESS: After he had opened the door
17 and told him to get on the ground, and he didn't.

18 MR. HUSKISON: Okay. Go ahead. I just
19 want to make sure I'm clear because it seems
20 unclear.

21 MR. EDWARDS: Well, that's fine. But
22 please don't do that in a deposition. If you want
23 to get clear with your witness, you have the right
24 to do that. But that's improper.

25 MR. HUSKISON: Well, if it's unclear --

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1 MR. EDWARDS: Let's clear it up.

2 MR. HUSKISON: -- we can talk about it. I
3 can -- I can try to get clear on it.

4 BY MR. EDWARDS:

5 Q. Officer Scallorn ordered an attack down by
6 the car. Right?

7 A. Yes, sir.

8 Q. And the dog attacked him -- attalked --
9 attacked Mr. Goode by biting him on the left arm
10 when Mr. Goode was facing the dog. Correct?

11 A. He -- at the time he let go of him, I
12 don't know if he was facing him or not. I don't
13 know how his arm got turned around that way. I was
14 running.

15 Q. And then Mr. Goode took off after the dog
16 released him and began running again as you've shown
17 us. Right?

18 A. Yes, sir.

19 Q. And you were in pursuit. Correct?

20 A. Uh-huh (affirmative response).

21 Q. Yes?

22 A. Yes.

23 Q. And Officer Scallorn told the dog to
24 attack the second time. Correct?

25 A. Yes, sir.

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1 Q. And my question was, how far were you from
2 the point at which the dog apprehended on the second
3 attack?

4 A. Well, he -- he had ran and turned.

5 Q. Right.

6 A. He had probably got a good 10, 12, 14 feet
7 away from me. He was pulling away from me quick.

8 Q. All right. Let's get you to mark on here
9 as E where the point of the second attack occurred.

10 A. I'm trying as hard -- this is a small map.
11 It's just an estimate. I mean, I...

12 Q. All right. So what's been marked is --
13 you have marked E just above -- actually, why don't
14 we change that to 5. And that will be the point of
15 the second attack, okay, what you've marked as E?
16 Is that all right?

17 A. Yes, sir.

18 Q. Okay. And it's just above the D which
19 you've previously marked.

20 So this is where Mr. Goode was apprehended
21 by the K9 on the second time?

22 A. Approximately.

23 Q. I understand. And you were -- what did
24 you say -- 12 or 14 feet to the rear?

25 A. I did the same -- I was running. When he

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1 turned that loop, I was turning the loop, too,
2 behind the dog.

3 Because Scallorn had got in front of me at
4 that point. And since he was in front of me, if the
5 dog came back, it'd come back to him and not at me
6 if it turned around and saw me running.

7 Q. All right. Scallorn had passed you during
8 the time that the dog was apprehending Mr. Goode?

9 A. He sent his dog, and he ran right behind
10 the dog.

11 Q. Okay.

12 A. When he got -- when he got past me was
13 when I started running behind Scallorn.

14 Q. And so Officer Scallorn got in front of
15 you between Mr. Goode and yourself. Right?

16 A. Between Mr. Goode, the dog. Yeah. He got
17 in between me and the dog.

18 Q. What did -- did Officer Scallorn arrive at
19 the point of the second attack?

20 A. He -- the -- when it bit him that time,
21 the guy punched the dog in the head. The dog let
22 go.

23 Q. Okay. So this 155 pound man punched the
24 dog and the dog turned him loose?

25 A. He hit -- he hit him in the head and the

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1 dog let go.

2 Q. He did?

3 A. He did.

4 Q. So -- so Mr. Goode was able to fight off
5 this Belgian Malinois?

6 A. Yes, sir.

7 Q. Are you familiar with those dogs?

8 A. very much so.

9 Q. Those are the dogs that the Navy SEALs
10 Seal Team 6 use. Right?

11 A. Yes, they do.

12 Q. As a matter of fact, that's the dog that
13 Seal Team 6 took in to apprehend Osama Bin Ladin?

14 MR. HUSKISON: Object to the form.

15 BY MR. EDWARDS:

16 Q. Correct?

17 A. It could be. It could have been a Dutch
18 Shepherd.

19 Q. Well, a --

20 A. And these -- these are not military dogs.
21 They're police dogs.

22 Q. Well, that's -- that's interesting. Is
23 this a picture of one right there?

24 A. That's a picture of a Belgian Malinois.
25 Yes, sir.

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1 Q. Yeah. And you see what it says, dogs of
2 the Navy SEALs?

3 A. That's not -- not every Belgian Malinois
4 makes that cut. They don't all make that cut.

5 Q. And they're described as ferocious?

6 A. Now, you can come to my house and pet
7 mine. He's fine.

8 Q. You'll pardon me if I don't do that.

9 A. You don't have to.

10 Q. Does this -- does this --

11 A. I've petted his dog.

12 Q. Does this accurately -- yeah. They --
13 they're well trained. Right?

14 A. Oh, yeah. Very much so.

15 Q. Officer Scallorn's dog was well trained.
16 Correct?

17 A. Yes, sir.

18 Q. Okay. They act on command of their
19 handler. Correct?

20 A. They do.

21 Q. All right. So -- but this is an accurate
22 depiction of a Belgian Malinois. Right?

23 A. It looks like one. Yes.

24 Q. This is the type of dog that -- this is
25 the dog that Troy Goode, the 155 pound guy, was able

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1 to swat off of him?

2 A. I don't know the weight of that dog or the
3 weight of Officer Scallorn's dog.

4 Q. This is the type of dog that Mr. Troy
5 Goode was able to swat off of him?

6 A. A Belgian Malinois. Yes, sir.

7 MR. EDWARDS: All right. 27.

8 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
9 WAS MARKED AS EXHIBIT NO. 27 TO THE DEPOSITION AND
10 IS HERETO ATTACHED.)

11 BY MR. EDWARDS:

12 Q. Now, when -- when the dog attacked
13 Mr. Goode for the second time, where did he impact?
14 What part of Mr. Goode's body did he --

15 A. Left arm.

16 Q. Same arm again?

17 A. Same arm.

18 Q. Okay. Did he bleed this time?

19 A. It's -- even at -- at the hospital is when
20 I noticed there wasn't even much blood there. He
21 didn't bleed very much.

22 Q. You took some pictures post mortem?

23 A. I did.

24 Q. Took pictures of the arm?

25 A. I did.

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1 Q. Where the dog attacked. Right?

2 A. Yes, sir, I did. And I turned them over
3 to the detective.

4 Q. Is this a picture which you took?

5 A. Yes, sir. I -- well, it's a picture. I
6 don't know if I took it or if the detective take it.

7 Q. The detective's name was Rosenberg?

8 A. That's correct.

9 Q. Is he still down there?

10 A. Yes, sir.

11 Q. And why did he come up?

12 A. He's a -- he's a detective.

13 Q. What was his -- his purpose in the Troy
14 Goode situation?

15 A. Well, at whatever point, this one went to
16 a crime scene log and have to contact a detective.

17 Q. Okay. Does this picture that you have in
18 front of you show the dog bite wound?

19 A. Yes, sir.

20 Q. That didn't bleed?

21 A. You asked if there was a lot of blood.

22 Q. Okay.

23 MR. EDWARDS: We'll mark this as 28.

24 (WHEREUPON, THE ABOVE-MENTIONED PHOTOGRAPH
25 WAS MARKED AS EXHIBIT NO. 28 TO THE DEPOSITION AND

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1 IS HERETO ATTACHED.)

2 BY MR. EDWARDS:

3 Q. Now, did the dog have hold of Mr. Goode's
4 arm at the point at which Officer Scallorn arrived
5 right there at the attack scene?

6 A. We were -- we were coming up. We were
7 running.

8 Q. Did the dog turn loose of Mr. Goode's left
9 arm before Officer Scallorn arrived?

10 A. Yes, sir.

11 Q. Did the dog take Mr. Goode to the ground?

12 A. No, sir.

13 Q. So what did Mr. Goode do when the dog
14 released him?

15 A. He tried to -- he tried to turn around and
16 start running again, but he didn't -- he didn't.

17 Q. He didn't what?

18 A. He didn't get the -- Officer Scallorn
19 deployed a taser, but only one probe went in. And
20 he tripped over the coil wires that come out of the
21 taser, and he fell on the ground.

22 Q. What's the effective range of the taser?

23 A. Effective range or the range they give
24 you?

25 Q. What's the range they give you?

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1 A. The ones -- the cartridge we use are 21
2 feet.

3 Q. So the taser manual is incorrect when it
4 says 15 feet?

5 A. It's according to what cartridge you put
6 on the end of it.

7 Q. And --

8 A. Now, you're talking -- I told you I'm not
9 taser certified. You're asking me taser questions.
10 I can't answer them.

11 Q. Well, you just did.

12 A. Huh?

13 Q. You just did.

14 A. I'm just telling you how long the probes
15 are. You're asking me the maximum effectiveness of
16 the probe.

17 Q. How -- how close was Officer Scallorn to
18 Mr. Goode when Officer Scallorn deployed his taser?

19 A. I don't -- you're asking for all these
20 measurements. I have no idea.

21 Q. Well, was he ten feet? Was he five feet?

22 A. Approximately 10 to 15 feet.

23 Q. And there were two of you right there
24 together. Correct?

25 A. Yes, sir.

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1 Q. By this time, there were other officers on
2 the scene?

3 A. Not down where we were at.

4 Q. Were there other officers on the scene?

5 A. In other places. We were the only two
6 officers down there with Troy Goode.

7 Q. There were officers all over around this
8 scene. Correct?

9 A. If you say so. I --

10 Q. No. I'm asking you.

11 A. I -- I don't know. I was focused on
12 something else at the time. I wasn't worried about
13 what everybody was doing.

14 I wasn't -- I wasn't looking up trying to
15 count people in the parking lot while we were
16 dealing with a suspect.

17 Q. My question was, there were officers,
18 other officers, besides you and Scallorn, on the
19 scene by this point in time?

20 A. I have no idea. I was -- I -- I was
21 focused on what I had in front of me. I wasn't
22 looking around to see what everybody else was doing.

23 Q. And you say that --

24 A. If I had time to do that, then I had
25 time -- it was -- I didn't have time.

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1 Q. So Officer Scallorn shot Troy as he was
2 running away. Correct?

3 A. He deployed his taser on Troy as he turned
4 to run away.

5 Q. Where did he hit him?

6 A. Just one probe hit him in the back. The
7 other one just shot off somewhere else. Because it
8 was right up there by Officer Scallorn's foot.

9 So he got hit with a probe. One probe
10 won't tase anybody. You have to have both.

11 Q. I thought you didn't know anything about
12 tasers.

13 A. I've been in between handcuffing somebody
14 when it went off. And if I touched both wires, I
15 got shocked. If I didn't, I only touched one wire,
16 I didn't.

17 I know enough to know that I'm not doing
18 it if they're going to pull that trigger again.

19 Q. So one probe hit Mr. Goode where?

20 A. Somewhere on his back.

21 Q. And he went to the ground?

22 A. He got -- they come out in a coiled wire.
23 And the coiled wire got wrapped around his feet, and
24 he tripped and fell. Because he was still doing the
25 little run around in circle thing.

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1 Q. After he got hit by the taser?

2 A. After, before. I mean, it -- his whole --
3 everything he was doing was erratic. He would take
4 off running at a sprint, run in circles, take off
5 running, run in circles.

6 Q. So he was running in circles?

7 A. When I say circles, just like
8 pitty-patting around, just stepping this way, step
9 that way, step this way, step that way.

10 Q. When he was running in circles is when
11 Officer Scallorn tased him?

12 A. He was -- he was running. I don't
13 remember if he was running in a circle or straight
14 line.

15 Q. He was up in the grass. Right?

16 A. He was up in the grassy area. Yes, sir.

17 Q. And not threatening anybody. Correct?

18 A. Well, at this point, he had already -- we
19 already knew we couldn't out -- we couldn't catch
20 him. And he -- you know, at that point, you know,
21 what is he going to -- is he going to turn again,
22 run toward the road? You know, what's he going to
23 do? We're still having to check for weapons.

24 So at that point, yeah, I -- you know,
25 after he hit his dog in the head and the dog let go,

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1 you know, at that point, you know, is when he
2 deployed the taser.

3 Q. Your report goes on to say that when Troy
4 fell on the ground -- that was after being struck
5 with the taser. Correct?

6 A. The one probe. Yes, sir. It got wrapped
7 in his feet. That's why he fell.

8 Q. Okay. You placed handcuffs on Troy?

9 A. I got one on him. I couldn't get his
10 other arm out from under his -- he was laying on one
11 arm. I couldn't get it out. I had to -- Officer
12 Rich came and helped me.

13 Q. All right. And so Officer Rich came
14 and --

15 A. That's when I knew the first officer made
16 our scene down there when he showed up to help me.
17 Because he was running down the till.

18 Q. So at the point that you handcuffed Troy,
19 it was you, Officer Rich and Officer Scallorn right
20 there in close proximity?

21 A. Yeah. Officer Scallorn was taken out of
22 the equation at that point.

23 Q. And why was he?

24 A. He had -- because he had to control -- he
25 had his dog. He couldn't -- he couldn't go and do

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1 any -- put hands on. He had his dog.

2 Q. The dog wouldn't stand there upon command?

3 A. While all that strug -- the -- all that
4 struggling's going on?

5 Q. All right. So -- so at least we've got
6 you and Officer Rich. Did you put your knee in his
7 back?

8 A. No, sir.

9 Q. Did Officer Rich put his knee in his back?

10 A. I don't remember him putting his knee in
11 his back. I think -- because at that point, when we
12 got him down, I got that cuff on him. He was
13 kicking. So I got behind him.

14 And I had his -- I got ahold of his feet
15 and got his legs up and had my knee not with any
16 weight, just walked up on him so his legs wouldn't
17 kick out. And Officer Rich, I believe he -- he just
18 had his -- he either had his hand on his -- like
19 around his butt so he couldn't roll over, some --
20 something of that nature. I can't remember exactly.

21 Q. Was he handcuffed behind his back?

22 A. He was.

23 Q. At the point that you grabbed his feet --

24 A. Yes, sir.

25 Q. -- and bent them up? Okay. So you -- you

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1 had gotten him handcuffed?

2 A. But he was scooting away from me. He
3 could get away. He was turning over and trying to
4 kick all of us.

5 In other words, my knee was sitting there,
6 but it wasn't putting any pressure. If he pushed
7 with his legs, his body would move forward. That's
8 how little pressure was being put on him at the
9 time.

10 Q. And you were afraid he was going to get
11 away from you?

12 A. I didn't know what he was going to do. Is
13 he going to stand up and go run in traffic now? Who
14 knows.

15 Q. Well, he was on his -- he was on his
16 stomach. He had two officer there.

17 A. And we didn't even have a -- we didn't
18 even have a chance there to check him for weapons
19 because he was struggling so much.

20 Q. I know. He's a dangerous dude. I know.
21 You have two officers there on him. You've gotten
22 him handcuffed behind his back. Correct?

23 A. That's correct.

24 Q. And he was still scooting on the ground.
25 Correct?

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1 A. Uh-huh (affirmative response).

2 Q. Yes?

3 A. He started trying to roll like a
4 alligator.

5 Q. And you grabbed his feet and bent his
6 knees up?

7 A. Yeah. I moved his feet up, and I just put
8 my shin up against his -- where the two met right
9 there, just had my shin sitting there. And he would
10 push forward, and he would slide forward.

11 Q. But you by yourself bent his feet --

12 A. No. Officer Rich was there.

13 Q. Officer Rich, did he help you bend the
14 feet out?

15 A. Huh-uh (negative response). He was
16 holding -- he was keeping him from rolling.

17 Q. Officer Rich was holding him down on his
18 face on the ground?

19 A. No, sir.

20 Q. On his stomach?

21 A. I already said he either had his hand,
22 from what I can remember, on his back or on his
23 butt. That keeps you -- your waist controls your
24 body. If somebody stops your waist from moving, you
25 can't move. You can't roll over if somebody

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1 controls your waist.

2 Q. Okay. And so but my question was, you
3 solely went around and got his feet and bent his
4 legs up?

5 A. Yeah. He was kicking us.

6 Q. And -- but you were able to control his
7 feet. Did you get kicked?

8 A. Not -- yeah. I mean, just in the shin and
9 the leg. It wasn't anything --

10 Q. Did you take a picture --

11 A. -- major.

12 Q. -- of any wound?

13 A. I didn't have a wound. I have clothes on.
14 It wasn't...

15 Q. So he didn't -- what did you have on? You
16 just had a uniform on. Right?

17 A. Yes, sir. That's correct.

18 Q. Just a summer uniform?

19 A. That's correct. Polyester uniform.

20 Q. And looking at your report, it says
21 Officer Bond requested leg shackles.

22 A. Yeah. He had got there and was up by his
23 head and requested leg shackles.

24 Q. So now, we've got you, we've got Rich,
25 Bond, and Scallorn is somewhere close. Right?

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1 A. He's back at his truck putting his dog up.

2 Q. Okay. And it was Officer Bond that
3 requested --

4 A. He said we need some leg shackles.

5 Q. And it was Scallorn that brought the leg
6 shackles?

7 A. He did, back from his truck after he put
8 his dog up.

9 Q. So he -- oh, okay. So he put his dog up
10 and then came back up there?

11 A. Uh-huh (affirmative response). With the
12 leg shackles.

13 Q. Well, how did he know to bring the leg
14 shackles?

15 A. Because somebody turned around and yelled
16 bring -- bring some shackles.

17 Q. Okay. Was that Officer Bond?

18 A. From my -- from my recollection, yes, sir.

19 Q. All right. So then there are four of you
20 around him at that point in time. Right?

21 A. Yeah. Officer Scallorn just brought the
22 shackles up. He didn't -- at that point, that was
23 all he did.

24 Q. How many of you put your knees in Troy
25 Goode's back when you shackled his legs to his

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1 hand -- hands?

2 A. I don't remember anybody putting their
3 knee in his back. I was still behind him.

4 Q. So who put the leg shackles on him?

5 A. Officer -- the -- Officer Bond.

6 Q. And he put -- he clipped those on to one
7 leg and then ran them up through the handcuffs and
8 clipped on the other leg?

9 A. That's correct.

10 Q. Okay. So are you saying that Scallorn did
11 not shackle or handcuff?

12 A. I know me and Rich handcuffed him. And I
13 was back there when Bond was doing the shackle part.
14 Scallorn brought the shackles up there. If he did,
15 I don't remember him doing it.

16 I mean, like I said, I don't -- I don't
17 have a photographic memory of everything that
18 happened that day.

19 Q. Okay. So now, you've got him shackled.
20 He's face down on the ground?

21 A. Uh-huh (affirmative response).

22 Q. Hands and legs behind him, shackled?

23 A. Uh-huh (affirmative response).

24 Q. What happens next?

25 A. We move back. He starts kicking his legs,

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1 spinning around in circles. Then EMS comes down.
2 It -- probably within -- you know, because right
3 when his wife had said she thought he was on LSD, I
4 called for EMS.

5 So they got there. And within five
6 minutes, they had him up on a gurney, rolling him up
7 toward the ambulance.

8 Q. Did -- did EMS bring the gurney down into
9 the grassy area?

10 A. They did.

11 Q. And who from EMS accompanied the gurney
12 down there?

13 A. Just the fire personnel.

14 Q. How many?

15 A. I don't recall how many.

16 Q. Who placed Mr. Goode on the gurney?

17 A. I have no idea.

18 Q. You don't know who picked him up off the
19 ground and put him on the gurney?

20 A. I assume it was the EMS and the firemen,
21 but I -- I don't know. At that point, I had had the
22 inhaler and the wallet and was walking over to the
23 wife to give her those items.

24 Q. Did you tell EMS that Mr. Goode had
25 breathing problems?

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1 A. Yeah. I took them the inhaler in the
2 ambulance.

3 Q. Did --

4 A. And it went to us with the hospital. I
5 gave it to the hospital in the decon room. It went
6 from the decon room to Room 9 and sat on that little
7 table back off to the left in his room.

8 Q. That was not my question. Did you tell
9 the EMS that you knew that Mr. Goode had breathing
10 problems?

11 MR. HUSKISON: At what point are
12 you asking? I think that's what he's asking.

13 BY MR. EDWARDS:

14 Q. When they arrived down to pick him up.

15 A. I didn't know when they arrived. We've
16 already -- we've already been through this.

17 I didn't know until his wife told me after
18 he was being loaded on the ambulance.

19 Q. You had an inhaler in your hand already?

20 A. I did.

21 Q. What did you think that was for?

22 A. He has kids. He has a daughter. Is it
23 for her? Is it -- is it his wife's inhaler he was
24 carrying? I don't -- I don't know. That was my
25 main reason for speaking with her.

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1 Q. And then she told you that he had
2 breathing problems?

3 A. He had asthma.

4 Q. And did you go tell the EMS that?

5 A. I did.

6 Q. And what exactly did you tell them?

7 A. I told them this is his inhaler and handed
8 it to them. They can look at whatever -- you know,
9 they're the ones can look at it. They know what it
10 is. When they look at whatever the, you know,
11 chemical compound that's in an inhaler, they'll --
12 they should know what it's for, I would imagine.

13 Q. All right. Have we co -- have you already
14 told me everything that you recall about the
15 ambulance ride?

16 A. Yeah. The ambulance ride wasn't that
17 lengthy of a ride.

18 Q. It was not. But it was not under
19 emergency conditions, either, was it?

20 A. No, sir. He -- you know, everybody was
21 saying he was having breathing problems. But he was
22 yelling, screaming, kicking the whole time up there,
23 the whole time we were at the hospital up until
24 about the last ten minutes or so.

25 Q. Is that the first time you've ever had a

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1 suspect that yelled and screamed?

2 **A. For that period of time, yes, sir.**

3 Q. You know, he wasn't yelling -- he wasn't
4 kicking and yelling and screaming erratically before
5 he was shackled, was he?

6 **A. Yes, sir, he was.**

7 Q. He --

8 **A. Well, the kicking, that's why we had to**
9 **shackle him because he was kicking us.**

10 Q. He didn't start kicking until you put the
11 handcuffs behind his back?

12 **A. Because he was standing up. Yes, sir.**

13 Q. And so it was only after you did a
14 four-point restraint, as you call, that he started
15 all of this kicking and screaming as you're
16 referring to?

17 **A. That's -- if he wouldn't have been kicking**
18 **and would have complied after being handcuffed and**
19 **wasn't kicking us, there would have been no reason**
20 **for the leg shackles because we would have had**
21 **compliance. We would have stood him up, took him to**
22 **a car, tried to find out what was going on with him.**

23 **But he wasn't compliant. He was totally**
24 **incoherent. He was trying to kick us. We had to**
25 **think about the safety of everybody on the scene**

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1 including EMS and the fire department.

2 So that's why he was -- we introduced the
3 leg shackles.

4 Q. And there was no way of lesser force to
5 restrain his legs? Is that what you're saying?

6 A. The only other way would have been more
7 force.

8 Q. You couldn't have -- you couldn't have
9 restricted -- you couldn't have put leg shackles on
10 him --

11 A. In the front?

12 Q. -- and kept him from kicking? Yeah.

13 A. So he could still kick us? Now he's got
14 two feet at the same time instead of one foot at a
15 time.

16 Q. So he was -- he was more dangerous
17 shackled?

18 A. In the front.

19 Q. In the front?

20 A. He could still kick.

21 Q. All right. So --

22 A. He could have kicked the EMS personnel in
23 the ambulance. He could have -- he could have --
24 with him in the front, he could have got up and
25 started hopping away or trying to move away.

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1 Q. Before -- would you say his -- his
2 behavior before he was hobbled was as violent as you
3 seem to infer as it was after you hobbled him?

4 A. I'm not -- I'm not understanding what you
5 mean by hobbled.

6 Q. I'm talking about hogtie four-point
7 restraint behind his back, whatever you want to call
8 it.

9 A. I mean, I don't see how you can compare
10 the two. He was on his feet running.

11 Q. Before you restrained him, his hands and
12 feet behind his back, did his face look like that?

13 A. No. It wasn't blue like that. No, sir.
14 That...

15 Q. Before you restricted him the way you did,
16 hands and feet behind his back, did he have these
17 facial wounds?

18 A. If they did, you couldn't see them. But
19 he was scurrying on the ground, rubbing his head on
20 the ground, trying to spin and get away, alligator
21 roll.

22 Q. Alligator roll, tell me what that means.

23 A. Just trying to roll over and over and over
24 like a little kid rolling down a hill. That's
25 alligator roll.

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1 Q. I see. And is that a commonly used
2 term --

3 A. Ever since I was little --

4 Q. -- in the police department?

5 A. No. Ever since that -- no. It's -- I
6 don't know if it's just a police term. It's
7 something I've known since I was a little kid.

8 Q. Well, I appreciate your remark about the
9 color of his -- of his skin. I did understand that.
10 But really, I was more interested in the --

11 A. Abrasion?

12 Q. -- facial wounds and the -- did he have
13 those before you -- you placed him in restraints?

14 A. No, sir. He was -- he was standing up.
15 When he got on the ground struggling, that's where.

16 Q. How did he get those?

17 A. The only thing I can imagine is off the
18 ground.

19 Q. You're the only one that was in the
20 hospital room, Room 9, for the entire length of
21 time --

22 A. That's correct.

23 Q. -- that Troy was there. Right?

24 A. That's correct.

25 Q. You're the sole guy?

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1 A. Other -- police officer. Yes, sir.

2 Q. Well --

3 A. Officer Rich came one time to bring the
4 keys to my car. He came in, gave me my keys and
5 left.

6 Q. No. But medical personnel were not in
7 that room the whole time you were. Correct?

8 A. No, sir.

9 Q. You are the only person in this whole
10 series of events that was in the hospital, Room 9,
11 from beginning to end. Correct.

12 A. That's correct.

13 MR. EDWARDS: This will be 29.

14 (WHEREUPON, THE ABOVE-MENTIONED PHOTOGRAPH
15 WAS MARKED AS EXHIBIT NO. 29 TO THE DEPOSITION AND
16 IS HERETO ATTACHED.)
17 BY MR. EDWARDS:

18 Q. Continuing with your incident report, on
19 the second -- on Page 4 -- that Bates stamp down at
20 the bottom there is what I'm referring to. You
21 indicate that Troy was moved to Room 9, continued
22 his behavior, as you put it. The doctor came in.
23 Who was the doctor?

24 A. I don't know his name. He was a black
25 gentleman with like dreads. I don't know his name.

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1 Q. Okay. Did you talk to the doctor?

2 A. No, sir.

3 Q. Did you tell the doctor that Troy was
4 asthmatic?

5 A. I told the nurse when we got in the decon
6 room, and I followed him to the regular room.

7 Q. Okay. So the nurse who was in the decon
8 room was advised by you at least that Mr. Goode was
9 asthmatic. Correct?

10 A. Yes, sir.

11 Q. Okay. Now, was this one of the male
12 nurses?

13 A. Uh-huh (affirmative response).

14 Q. Yes?

15 A. Yes, sir.

16 Q. Did that nurse come in with the doctor
17 into Room 9?

18 A. I don't recall which nurse came in there
19 with him. At that point, I'm -- I stay out of their
20 way.

21 Q. Was there a nurse in the -- in Room 9 with
22 the doctor when he came in?

23 A. Yes, sir.

24 Q. It was a male nurse?

25 A. It was.

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1 Q. Now, what did the doctor do when he came
2 in?

3 A. He tried to talk to him, tried to talk to
4 Troy. He wouldn't acknowledge him and like nobody
5 was even in the room.

6 Q. Troy just did not respond?

7 A. No. He was still yelling and screaming
8 and kicking. I mean, that's -- that's why they put
9 him in the decon room in the beginning because he
10 was being so loud, he was disturbing all the other
11 patients.

12 Q. Well, when the doctor came in, Troy was
13 still struggling against his restraints. Right?

14 A. He was still kicking his feet. Yes, sir.

15 Q. And he was face down on that hospital bed?

16 A. He was on his stomach. His head was
17 turned to the side.

18 Q. Was he strapped down?

19 A. In the hospital room?

20 Q. Yes, sir.

21 A. No, sir. The nurse had came in with the
22 kicking and put pillows on each side of the little
23 rails. So his leg -- his shins were hitting the
24 rail. So she put those so his shins would quit
25 hitting the rails.

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1 Q. So the hospital's precaution was -- in
2 Room 9 was to put pillows on either side of him?

3 A. I -- they just came in. They put them on
4 there. I can't tell you what -- I'm sure they were
5 trying to keep him from having any further injuries.

6 Q. What injuries had he had to that point?

7 A. Huh?

8 Q. What injuries had he had to that --

9 A. He had the dog bite.

10 Q. Okay. Anything else?

11 A. The one probe in his back.

12 Q. Anything else?

13 A. Not that -- I mean, you showed me the
14 picture, but all that's him spinning around on the
15 ground.

16 Q. How do you know?

17 A. I don't know where else it would have come
18 from. I was there the whole time with him down
19 there.

20 Q. And that's the reason I asked. Yeah. How
21 soon after you arrived at Room 9 did the doctor come
22 in?

23 A. I can't really remember exactly when he
24 came in. I wasn't keeping track of time.

25 Q. Were you there for some period of time

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1 where it was just you and Mr. Goode?

2 A. You know, at different times, it was just
3 me and him in there.

4 Q. But when he was transported into Room 9 --
5 and you followed. Correct?

6 A. Uh-huh (affirmative response).

7 Q. And you went into Room 9. Correct?

8 A. That's correct.

9 Q. And then did the people who transported
10 him leave the room, just leaving the two of you,
11 Mr. Goode and yourself?

12 A. Not at that time, I don't believe. I
13 think when we got there, a nurse followed in. But I
14 can't -- I can't remember exactly the series of
15 events.

16 They were in and out at times. Sometimes
17 they were in there; sometimes they weren't in there.

18 Q. Did -- did the doctor do anything to check
19 out Mr. Goode?

20 A. From what I saw, he just talked to him. I
21 really wasn't -- I mean, that's their specialty.
22 It's not mine. I can't -- I wouldn't know what he
23 was doing anyway if he started doing anything.

24 Q. Please understand I'm not asking you for a
25 medical opinion. I was just asking you what you

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1 observed.

2 Did the doctor put a stethoscope on him?

3 A. I don't remember if he did or not.

4 Q. Did they check Mr. Goode's oxygen level by
5 clamping his -- the device on his finger?

6 A. I -- I didn't see that. No. Not to say
7 they didn't do it. I -- they -- because I know they
8 have the little hand-held ones. They could have
9 done that in the decon room and I just didn't see
10 it, or they could have done it in that room and I
11 didn't see it.

12 Q. Well, you know what a heart monitor is,
13 don't you?

14 A. Yeah. That -- no. He didn't have a heart
15 monitor.

16 Q. Did not have a heart monitor?

17 A. There was -- I don't know how they -- I
18 don't know how they would have done it.

19 Q. It was done in the ambulance. Correct?

20 A. A what, now?

21 Q. It was done in the ambulance, his heart
22 was monitored?

23 A. Only from his -- from what I remember, she
24 had it on his back.

25 Q. Well, regardless of where it was done, his

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1 heart was monitored in the ambulance. Correct?

2 A. She checked breathing sounds. Yeah. I'm
3 not sure about the heart. You're asking me medical
4 stuff. I don't do medical.

5 Q. So to your recollection, the doctor did
6 not put hands on Troy?

7 A. Like I said, I wasn't -- at that point, I
8 was there waiting for him to get medically cleared
9 to take him to Desoto County or back to the station
10 to do a booking.

11 Q. I'm not --

12 A. I wasn't paying attention to what the
13 doctor was doing.

14 Q. Well, what were you doing?

15 A. I was standing back there minding my own
16 business in the back of the room up against the
17 counter.

18 They came in to work. They're the
19 doctors. I'm not a doctor.

20 Q. Well, your business there was Troy Goode,
21 wasn't it?

22 A. Huh?

23 Q. Your business being in the hospital was
24 Troy Goode?

25 A. That's why he was in the hospital.

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1 Q. And --

2 A. His health.

3 Q. -- all I'm asking you is what you saw the
4 doctor and nurse do when you first came in?

5 A. And I'm telling you I didn't see what they
6 were doing. I was not paying attention to
7 everything that they did. That's their job.

8 Q. Okay. But then you -- you say that the
9 nurse left the room and returned and administered
10 some fluids in the IV line.

11 A. Uh-huh (affirmative response). They did
12 do that.

13 Q. Okay. The IV had been put in by the EMT.
14 Correct?

15 A. I believe so.

16 Q. In the ambulance?

17 A. I believe so. Yes, sir.

18 Q. Did you assist the nurse in getting the IV
19 in?

20 A. No.

21 Q. Did --

22 A. No.

23 Q. -- Officer Rich assist the nurse in
24 getting the IV in?

25 A. We sat in the ambulance and rode. We

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1 didn't -- we didn't even touch him, either one of
2 us.

3 Q. Nether one of you touched him?

4 A. No, sir. Not in the ambulance.

5 Q. Okay.

6 A. We're not...

7 Q. Now, after -- after the fluid was put into
8 the IV line by the Baptist nurses, they left the
9 room?

10 A. Correct.

11 Q. Between the time that they shot this fluid
12 into the IV line, they being Baptist nurses, was
13 there any medical person there before the time you
14 alerted them that Mr. Goode had stopped breathing?

15 A. Now, after he gave it, he said he would be
16 back in about ten minutes till it takes effect, and
17 they left.

18 Q. And by -- they didn't come back before
19 Mr. Goode stopped breathing?

20 A. No. I hit the button.

21 Q. How many -- was it just one nurse that
22 injected the fluid into the IV line?

23 A. That's correct.

24 Q. And so when they walked -- when that nurse
25 injected and left, what were you doing?

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1 A. I was just still standing at the back.

2 Q. Were you -- were you able to sit down
3 somewhere, or were you just standing up?

4 A. There was a chair, but it was over on the
5 other side, and I was more comfortable standing with
6 all that uniform. And I didn't really want to sit
7 down. I was still hot from the chasing him down out
8 there in the middle of July. So I just stood at the
9 back of the room.

10 Q. It was very hot, wasn't it?

11 A. It was hot that day.

12 Q. Was it --

13 A. It was cool -- I was able to cool down in
14 the hospital. Finally, it was cool in there.

15 Q. Okay. So while all of the ruckus was
16 going on out there on Goodman Road, the temperature
17 was very -- up around --

18 A. It was hot.

19 Q. -- a hundred degrees?

20 A. It was hot. Yeah.

21 Q. All right. So you're standing in the
22 room, and you reported that you noticed that
23 Mr. Goode had gone still or stopped breathing?

24 A. He -- he was still yelling. Feet were
25 still kicking. And the -- he quit -- at one point,

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1 he had quit yelling, but his feet were still going.
2 And then his feet slowed down. And I -- when it --
3 because you could hear the noise of the chain on
4 the -- you know, the two chains together while
5 they're moving.

6 Q. Pulling back and forth?

7 A. Exactly. You could hear that noise. And
8 then when -- when that started slowing down and then
9 it stopped, I'm like I don't -- this don't sound
10 right. So I walked up there. And that's when his
11 face was kind of blue.

12 Q. So what alerted you was the fact that this
13 grating of the chain had stopped?

14 A. That and his breathing had changed. He
15 wasn't yelling anymore. So that -- it wasn't -- he
16 just -- he wasn't yelling anymore. His breathing
17 changed kind of erratic a little bit.

18 Q. What did you do?

19 A. I walked over to check on him.

20 Q. How did you check on him?

21 A. I went over there, and his face was turned
22 to the side. I saw his head, and I put my hand on
23 his head, and it was purple. So I hit the call
24 button for the nurse.

25 Q. And did the nurse come right away?

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1 A. No. I hit the button. Right away, they
2 didn't answer. And I went up the hall, went one
3 way, you know, five or six steps, and there wasn't
4 anybody there. So I went back the other way. And I
5 went back the other way and looked down that hall,
6 which was right by the door.

7 And then the nurse answered. And I ran
8 back in there and told her. And then they came
9 straight over there.

10 Q. All right. Let's run back through that.

11 A. Okay.

12 Q. You went over to Mr. Goode, and you
13 noticed he was not breathing?

14 A. Uh-huh (affirmative response).

15 Q. Yes?

16 A. Yes.

17 Q. You, even without medical training, could
18 tell he was not breathing?

19 A. Well, his face was purple. I knew
20 something was wrong.

21 Q. There was a call button in the room?

22 A. Exactly.

23 Q. You hit that?

24 A. I did.

25 Q. Didn't get a -- is there an intercom?

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1 There's an intercom?

2 A. Yeah. It's like the little nurse's
3 button.

4 Q. Yeah.

5 A. I hit the nurse's button.

6 Q. So you hit that, didn't get a response.
7 Right?

8 A. Not -- not immediately.

9 Q. Well, did you leave the room when you
10 didn't get a response?

11 A. Yeah. Yeah.

12 Q. Because you didn't get a response from the
13 nurse, you went out of the room and went where?

14 A. I just turned and took a few steps down
15 the hallway this way. Didn't see anybody walking
16 that way. So I went back up the other way. And
17 when I turned and looked that way, they came back on
18 there probably, it seems like forever. It was
19 probably about eight seconds.

20 It wasn't a large amount of time. But for
21 what was going on at the time, you know, you wanted
22 somebody to come right on there and say what do you
23 need. You know, it wasn't immediate, but it was a
24 few seconds.

25 Q. Where was -- where was the nurse when you

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1 first alerted that nurse to the fact that Mr. Goode
2 was not breathing?

3 A. On the intercom.

4 Q. All right. So you had --

5 A. I don't know where she was at in the
6 hospital.

7 Q. I understand. You went out in the hall.
8 Went one way, didn't find anybody, turned around and
9 went the other way, didn't find anybody?

10 A. Uh-huh (affirmative response).

11 Q. Went back into the room?

12 A. No. When -- when I got to the other end
13 of the hall, I looked to the left because that's the
14 way it broke, to the left.

15 Q. Yeah.

16 A. And right when I looked to the left, the
17 lady answered on the intercom. And I ran back in
18 the room.

19 Q. Okay. And you told her what?

20 A. I said the guy in the bed is not
21 breathing.

22 Q. And did she call the code before she came
23 into the room?

24 A. No, sir. But she -- it was -- she came
25 directly over there. She come out some little

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1 doorway and walked over there. And when she hit a
2 button, and then everybody started coming.

3 Q. Was that the first time that the female
4 nurse had been in the room?

5 A. That was the first -- to my knowledge,
6 that's the first time I'd seen that particular lady.

7 Q. You've told us about the male nurse coming
8 in and the doctor and then the female nurse when the
9 code was called.

10 A. Uh-huh (affirmative response).

11 Q. Were there any other Baptist Hospital
12 personnel in that room during the time that you were
13 there?

14 A. The whole period of time or before I
15 called?

16 Q. The whole period of time.

17 A. The -- yeah. At the very end, the room
18 was full of people. I had to leave -- I just left
19 out of the room because I had to give them room to
20 do their job.

21 Q. Now, I'm talking about -- I'm talking
22 about up till the time that the code called. From
23 the time you went into Room 9 to the time that you
24 hit the button because breathing had stopped, were
25 there any Baptist personnel in that room during that

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1 period of time other than the male nurse, the
2 doctor?

3 A. The other -- the shorter male nurse was in
4 there at one point.

5 Q. Two male nurses?

6 A. Uh-huh (affirmative response).

7 Q. Yes. Okay. Anybody else?

8 A. Not -- not that I recall. If somebody
9 came in, I don't remember.

10 Q. All right. All right. Now, Officer,
11 you've been marking on this overhead. You want to
12 take a look at it again before we mark it and see if
13 there are any changes you want to make?

14 A. No. No changes.

15 Q. All right, sir.

16 MR. EDWARDS: This will be 30.

17 (WHEREUPON, THE ABOVE-MENTIONED PHOTOGRAPH
18 WAS MARKED AS EXHIBIT NO. 30 TO THE DEPOSITION AND
19 IS HERETO ATTACHED.)

20 BY MR. EDWARDS:

21 Q. Now, you have your incident report -- what
22 do you call this? You called it a memo.

23 A. A memo, interdepartmental memo. It's just
24 printed off different the way --whatever way they
25 printed it off. But it would say memo.

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1 Q. Okay. You previously told us that the
2 contents of this are accurate and true and correct
3 to the best of your knowledge and belief?

4 A. That's correct.

5 Q. And you're the one that put in all of the
6 information in this. Correct?

7 A. That's correct.

8 Q. Have you looked at this to compare it with
9 the incident report that you also prepared? Have
10 you compared the two?

11 A. Just the other day, I saw both of them
12 again. Because this -- I didn't keep a copy of the
13 memo. And the incident was locked in the system.
14 So we couldn't even get in and read it later --

15 Q. Well --

16 A. -- after we did it.

17 Q. Sorry. You reviewed both of these in
18 preparation for your deposition today, didn't you?

19 A. I've seen both of them. Yes, sir.

20 Q. Yeah. When did you look at them before
21 today?

22 A. The day we had a little pre-meeting. I
23 can't remember the exact day. I think it might have
24 been Tuesday, Monday or Tuesday.

25 Q. Okay. But fairly recent?

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1 A. Oh, yeah.

2 Q. All right. Are there any changes that you
3 think need to be made to what we have marked as
4 Exhibit -- excuse me -- 25?

5 A. Not that I'm aware of. No, sir.

6 Q. In this memo, I noticed on the third page,
7 you indicate that you -- and we've talked about
8 this -- asked hospital employees about soft
9 restraints. And again, that indicates that you
10 asked more than one hospital employee.

11 Would that have been the two male nurses
12 or somebody else?

13 A. Let me find that right quick. Employees
14 meant employee of the hospital. It wasn't like I --
15 I only asked the one nurse.

16 Q. Well, it's -- you agree that you put in
17 here you asked the hospital employees. That's
18 plural and I'm asking you who you asked.

19 A. That -- that one, the shorter white nurse,
20 the male nurse.

21 Q. Okay. So you didn't ask hospital
22 employees. You asked a hospital employee.

23 A. That's fair. Yes, sir.

24 Q. And you say they advised. But again,
25 that's not correct. It was he advised, should have

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1 been. Right?

2 A. I guess that's correct.

3 Q. Well, twice in one sentence, you're
4 indicating that multiple employees were asked about
5 soft restraints. And I'm asking you if you asked
6 more than one person.

7 A. I asked one person. That's why it says --
8 when I say employees of the hospital, I mean people
9 that work for the hospital. It just happened to be
10 one person.

11 When I say they, I meant they at the
12 hospital. I didn't mean several people.

13 Q. Okay. So where you say they advised --

14 A. If it's a grammatical error, it's a
15 grammatical error.

16 Q. Okay.

17 A. I'm not a English major or anything like
18 that.

19 Q. You go on to indicate -- how did you know
20 that the restraints they had were soft?

21 A. No. That's -- that's what the nurse said,
22 the soft restraints won't -- won't hold him.

23 Q. And again, you were asking about changing
24 restraints in case medical attention had to be
25 rendered?

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1 A. Or as far as if they wanted to change him
2 at that time while I had people there to help me, I
3 wanted them to go on and get that done while I had
4 people there.

5 Q. I've heard you say that. But I don't --
6 I'm not getting why there would need to be a change
7 in restraints while you had people there to help
8 you.

9 A. For his treatment. They're the hospital.
10 They know what they need to do. And I -- do we need
11 to move him? Do we need to change anything while I
12 have people here?

13 Q. How would he have been restrained in these
14 soft restraints provided by the hospital?

15 A. I've never used soft restraints. I don't
16 know anything about them.

17 Q. But yet, you knew to ask if they --

18 A. No. They --

19 Q. -- should be changed to soft restraint?

20 A. No, no. You're not -- I didn't ask if --
21 can we put soft restraints on this guy.

22 Q. Tell me what you asked.

23 A. I said, do we need to change anything.
24 They said soft restraints won't hold him.

25 Q. So they volun -- they, being -- or he --

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1 A. They -- they mentioned soft restraints, or
2 he did.

3 Q. The hospital mentioned soft restraints?

4 A. That nurse did. Yes, sir.

5 Q. Not you?

6 A. No.

7 Q. And you can't identify the person who made
8 that remark other than a male nurse?

9 A. Yeah. He was white, white male nurse.

10 Q. White male nurse?

11 A. Uh-huh (affirmative response). I mean,
12 I -- that's all I know.

13 Q. Okay. Then you say two nurses came into
14 the room. And that's Room Number 9. Right?

15 A. Uh-huh (affirmative response).

16 Q. And -- yes?

17 A. Yes, sir.

18 Q. And he -- and put medication in the IV
19 line. So was it --

20 A. I don't know what it was. They put
21 something.

22 Q. That's okay. It was a sedative, wasn't
23 it?

24 A. I have no idea what it was. I didn't ask.
25 That's not -- that's not my job.

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1 And plus, there's all -- even though I'm a
2 police officer in our custody there, I know
3 hospitals have a HIPAA law. They can't just tell me
4 everything they're doing to this guy.

5 Q. So would it be fair to say that when the
6 transfer to Room 9 was made, as far as you were
7 concerned, the hospital was in charge of care?

8 A. They were in charge -- when we broke the
9 plain of that door and took him in and he got in
10 there, they were in charge.

11 Q. And you didn't interfere in any way with
12 what the hospital was doing?

13 A. No, sir. Like I said, I was there to make
14 sure he was, you know, rendered help and then to
15 take him either to the station for booking or the
16 booking's already done, take him to the jail.

17 Q. So two nurses came into the room for
18 administration of the medication, not one nurse?

19 A. There were two nurses in there. Only one
20 nurse --

21 Q. Injected?

22 A. Exactly.

23 Q. What did the other do while that was going
24 on?

25 A. He was on the other side. I'm not sure

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1 what he was doing.

2 Q. Okay. So when -- when these two nurses
3 came in, Mr. Goode was still shackled behind his
4 back. Correct?

5 A. Uh-huh (affirmative response).

6 Q. Yes?

7 A. Four-point restraint. Yes, sir.

8 Q. Yeah. And face down. Correct?

9 A. Yes, sir.

10 Q. And this nurse came in to the room, and
11 without any assistance from the other nurse or
12 yourself, injected the medication into the IV line.
13 Correct?

14 A. That's correct.

15 Q. And then before -- -- did the second
16 nurse leave before the medication was injected?

17 A. I don't recall.

18 Q. But one nurse left before the other?

19 A. Like I -- I don't -- I don't recall. I
20 just know one of them stopped and said I'll be back
21 in about ten minutes after the whatever takes
22 effect. I don't know what they gave him.

23 Q. And he never came back?

24 A. When he started slowing down, that's when
25 I thought, well, I guess this stuff's starting to

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1 work. But...

2 Q. The nurse who said he was going to come
3 back never came back before the code was called?

4 A. No, sir.

5 Q. All right. And when -- when the code was
6 called, it was at that point in time that you took
7 the leg shackles and handcuffs off?

8 A. I got the shackles off and one cuff. And
9 I just got -- they turned him over. I got out of
10 the room.

11 Q. You -- when you took the leg shackles off
12 and the one handcuff, did you turn him?

13 A. No. They did.

14 Q. They turned him from his stomach?

15 A. They were turning him as I was taking that
16 one cuff off. And when they turned him, I just -- I
17 just turned around and left.

18 Because they were starting -- there were a
19 lot of people coming in there, had a lot of work to
20 do.

21 Q. They turned him from his stomach on to his
22 back?

23 A. Correct.

24 Q. Okay. Now, when did you take the post
25 mortem pictures?

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1 A. Shortly after -- I can't remember who -- I
2 can't remember exactly who told me to do it. But
3 somebody said get pictures. And then -- and then
4 the detective made the scene and took his own
5 anyway.

6 Q. Did you leave the hospital before you made
7 the pictures?

8 A. No.

9 Q. What did you make the pictures with?

10 A. My phone.

11 Q. What did you do with the pictures?

12 A. Emailed them to the detective.

13 Q. And this would be Detective Rosenberg?

14 A. That's correct.

15 Q. Did Detective Rosenberg come on the scene
16 while -- come to the hospital while you were still
17 there?

18 A. Yes, sir.

19 Q. Did Detective Rosenberg take additional
20 pictures?

21 A. He did.

22 Q. Did you have conversations with Detective
23 Rosenberg?

24 A. Just over -- you know, I told him I'd
25 taken the pictures. He said, well, send them to me.

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1 So I emailed them to him. Because he had taken
2 several himself.

3 I think his were a lot more extensive than
4 what mine were.

5 Q. Did you turn your pictures over to the
6 FBI?

7 A. I turned them over to Detective Rosenberg.

8 Q. Were they turned over to the FBI?

9 A. That's a question you'd have to ask him.

10 Q. Did you turn your pictures over to the
11 U.S. Attorney's Office?

12 A. I gave my pictures to Detective Rosenberg.

13 Q. Did you turn --

14 A. That's the only person I gave them to.

15 Q. You didn't give them to the Mississippi
16 Attorney General's Office?

17 A. I gave them to Detective Rosenberg.

18 Q. Was the body flipped over post mortem for
19 purposes of taking pictures, any pictures?

20 A. What do you mean by flipped over?

21 Q. Did you take pictures with the body on the
22 back and the body on the stomach?

23 A. On the back.

24 Q. Just on the back?

25 A. Uh-huh. Yes, sir. That's all I took

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1 pictures. I don't know about anybody else.

2 Q. Were you in the room when Detective
3 Rosenberg took his pictures?

4 A. He -- he arrived. And after he arrived, I
5 spoke with my captain. He told me to go to the
6 station.

7 And then on my way there, that's when the
8 chaplain stopped me, and I talked to him, a peers
9 counselor thing.

10 Q. Is this one of the pictures you took?

11 A. I -- I couldn't tell you if it was my
12 picture or his picture.

13 Q. Does this adequately or accurately depict
14 Mr. Goode's condition post mortem?

15 A. Near as I can tell, yes, sir.

16 Q. I want to ask you -- so -- so the hospital
17 bracelet was on his left arm?

18 A. Uh-huh (affirmative response).

19 Q. Correct?

20 A. It appears. Yes, sir.

21 Q. Hospital put that on. Right?

22 A. That's correct.

23 Q. Did they -- where did they put that on?
24 Was that in the decon room or in Room 9?

25 A. I couldn't answer that. I have no idea.

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1 Q. Did you assist the hospital in getting
2 that bracelet on his wrist?

3 A. No, sir.

4 Q. Did any police officer assist in getting
5 that bracelet on his wrist?

6 A. Like I said, that -- no, sir. I have -- I
7 didn't know -- I didn't know when they put it on
8 there.

9 Q. Hospital did it, though. You're sure
10 about that?

11 A. As far as I -- I know I didn't do it.

12 Q. Now, if you'll look in -- on this picture
13 that you have in front of you.

14 A. Uh-huh (affirmative response).

15 Q. You see up in the upper right-hand corner
16 of the picture?

17 A. Uh-huh (affirmative response).

18 Q. That's blood on the bed, isn't it?

19 A. I have no idea what that is.

20 Q. Well, you agree it looks like blood, don't
21 you?

22 A. It kind of looks like throw-up to me.

23 Q. Did he -- well, did he throw up?

24 A. I have no idea. I don't -- this -- I
25 was -- I wasn't in the room when they worked on him.

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1 I don't know what they did to him or what the
2 lifesaving procedures they took and what it would
3 cause.

4 And it looks like they put a tube in. If
5 they put a tube in, that could very well be, you
6 know, caused by the tube. I don't -- I don't have
7 any medical expertise to tell you.

8 Q. So --

9 A. It wasn't there before.

10 Q. Before what?

11 A. Before the nurses came in and worked on
12 him.

13 Q. After the code was called?

14 A. Exactly. Because his head was turned the
15 other way the whole time.

16 Q. All right. I'll take that.

17 MR. EDWARDS: This will be --

18 MR. HUSKISON: 30, I believe.

19 MR. EDWARDS: -- 31.

20 MR. HUSKISON: 31? Yeah. I'm sorry.

21 (WHEREUPON, THE ABOVE-MENTIONED PHOTOGRAPH
22 WAS MARKED AS EXHIBIT NO. 31 TO THE DEPOSITION AND
23 IS HERETO ATTACHED.)

24 BY MR. EDWARDS:

25 Q. And so you -- after looking at any of

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1 these pictures, does that refresh your memory as to
2 where all these facial wounds came from?

3 A. Him squandering on the ground on the
4 facial wounds trying to spin and alligator roll,
5 which would be rolling on the ground.

6 Q. Did you take this photo?

7 A. I have -- I have no idea.

8 Q. Does the mark just above the wrist
9 indicate where the cuffs were?

10 A. Yes, sir.

11 Q. His arm is indented from those cuffs.
12 Correct?

13 A. It appears to be.

14 Q. You put the cuffs on pretty tight.
15 Correct?

16 A. No tighter than any other cuffs.

17 Q. Okay.

18 A. However a lot of that was from all the
19 kicking and thrashing he was doing during the
20 period.

21 Q. After he was shackled?

22 A. Even before he was shackled, he was doing
23 the same thing.

24 MR. EDWARDS: All right. That's 32.

25 (WHEREUPON, THE ABOVE-MENTIONED PHOTOGRAPH

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1 WAS MARKED AS EXHIBIT NO. 32 TO THE DEPOSITION AND
2 IS HERETO ATTACHED.)

3 BY MR. EDWARDS:

4 Q. Another picture of the leg. Does that
5 show an indentation from the leg shackles?

6 **A. It appears to. Yes, sir.**

7 MR. EDWARDS: This will be 33.

8 (WHEREUPON, THE ABOVE-MENTIONED PHOTOGRAPH
9 WAS MARKED AS EXHIBIT NO. 33 TO THE DEPOSITION AND
10 IS HERETO ATTACHED.)

11 MR. EDWARDS: Let's take a very short
12 break.

13 VIDEO SPECIALIST: Going off the record.
14 The time is 12:17.

15 (SHORT BREAK)

16 VIDEO SPECIALIST: Going back on the
17 record. The time is 12:25.

18 BY MR. EDWARDS:

19 Q. All right. Officer to wind up, in your
20 incident report, which is marked as Exhibit 26, you
21 indicate on the second page that when the code was
22 called, you were in Room 9 in the emergency
23 department. You state that you moved his head,
24 being Mr. Goode. What exactly did you do to move
25 his head?

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1 A. I just put my hand on the side of his head
2 and moved it.

3 Q. Well, I don't understand that. Which way
4 was he facing? Which way was his head facing?

5 A. To the left.

6 Q. And why did you move his head?

7 A. Just to move his head. I just moved it.

8 Q. Why?

9 A. I mean, he -- his head was purple. I just
10 moved his head.

11 Q. How did you move it?

12 A. I just put my hand on the back of his head
13 and moved it up.

14 Q. You put your hand on the back of his head?

15 A. He was laying to the side. I put my hand
16 like right here and pushed the back of his head.
17 And it tilted up a little bit, and I just hit the
18 button.

19 Q. Okay. So he was laying there. His head
20 was to the side?

21 A. Right -- the right side of his face was on
22 the side, and he was looking to his left.

23 Q. Okay. And so when you indicate in your
24 report that you moved his head, you went over to the
25 bed and placed your hand on the -- show us again,

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1 please.

2 A. Just on the back and just pushed it. When
3 I did, it -- his head came up a little bit. And I
4 just hit the button.

5 Q. Was there any response from him at all --

6 A. No.

7 Q. -- when you did that?

8 A. No, sir. Not at all.

9 Q. Have you had a meeting with all of the
10 Southaven employees on this case? Have you been in
11 a meeting?

12 A. Just...

13 Q. Just --

14 A. The totality of the employees or just --

15 Q. No, sir.

16 A. -- with Tom?

17 Q. Just the ones involved in this case.

18 A. We've had some. It's been -- not
19 everybody was there all at the same time.

20 Q. Okay. Was Mr. Huskison there the whole
21 time?

22 A. I believe so. The last one, he was, I
23 think.

24 Q. Have you met with any of these other
25 lawyers?

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1 **A. No, sir.**

2 MR. EDWARDS: Okay. That's all I have.
3 Thank you.

4 **THE WITNESS: Yes, sir.**

5 EXAMINATION

6 BY MR. UPCHURCH:

7 Q. Officer Baggett, my name is David
8 Upchurch. Our firm represents the hospital in this
9 litigation. I just have a few follow-up questions
10 for you.

11 When you were ultimately able to search
12 Mr. Goode at the scene to determine whether or not
13 he had a weapon and other items on him, you've told
14 us you found a wallet?

15 **A. That's correct.**

16 Q. The inhaler?

17 **A. That's correct.**

18 Q. Were there any other items that you found
19 or located on the scene such as a phone?

20 **A. I don't remember finding one. No, sir.**

21 Q. All right, sir. You took the wallet and
22 the hale -- inhaler back to Mrs. Goode?

23 **A. I did.**

24 Q. Can you describe that inhaler for us in
25 any -- any description? Do you remember the color

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1 of the inhaler perchance?

2 A. I -- I would hate -- I would hate to
3 guess. I can't -- I can't remember.

4 Q. All right, sir. Some inhalers that I am
5 familiar with stand, I'm going to estimate, about
6 three inches in height. Is that the type of inhaler
7 that you're referring to, or was it a larger size
8 inhaler?

9 A. It -- it just looked like one of the ones
10 that, you know, you put the little small little
11 canister in the end of it.

12 Q. All right.

13 A. One like that.

14 Q. And was a canister in that inhaler?

15 A. Yes, sir.

16 Q. Do I understand correctly that when you
17 approached Mrs. Goode with the wallet and the
18 inhaler, that's when she indicated to you that
19 Mr. Goode had breathing issues?

20 A. That's correct.

21 Q. Did she specifically mention to you
22 asthma?

23 A. I -- if she did, I can't remember it was
24 exactly asthma. No, sir. I can't remember.

25 Q. All right, sir. And what did you do with

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1 that inhaler after you had your conversation with
2 Mrs. Goode at the scene?

3 A. I took it on the ambulance and gave it to
4 the EMT and told her he has breathing issues and
5 handed her that.

6 Q. All right. As I recall from review of the
7 records and previous testimony, there was an EMT
8 basic who was the driver was a male and that the
9 person in the back of the ambulance with you and
10 Officer Rich was a female? Is that accurate?

11 A. That's correct.

12 Q. That female, I understand her name is
13 Stacie Graham?

14 A. Yes, sir.

15 Q. Do you know that to be Ms. Graham?

16 A. That's -- that's what I've been told.
17 Yes, sir.

18 Q. All right, sir. Was it the female
19 paramedic in the back of the ambulance to whom you
20 gave the inhaler to?

21 A. Yes, sir.

22 Q. And you gave that to her while you were in
23 the ambulance?

24 A. The driver was already in the front. They
25 were loading him up. And I -- that's when I walked

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1 up there to the ambulance and said, hey, he's got
2 breathing problems, and I handed it to her.

3 Q. All right. Did you see what she did with
4 it?

5 A. She set it -- where did she put it? I
6 can't recall where she put it. But it was right
7 there on his -- right there in his vicinity.

8 Q. In the back of the ambulance?

9 A. That's correct.

10 Q. All right, sir. Did you ever personally
11 have possession of the inhaler again?

12 A. I took it into the hospital.

13 Q. And you've told Mr. Edwards about having a
14 discussion with a nurse in the decontamination room
15 about the inhaler?

16 A. Yeah. I told him he -- same thing I told
17 the EMT, this is his inhaler, he's got some kind of
18 breathing issue.

19 Q. And at that point, did you transfer the
20 inhaler to the nurse?

21 A. I did.

22 Q. All right, sir. You've described to
23 Mr. Edwards two white male nurses, one being taller
24 than the other?

25 A. That's correct.

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1 Q. Do you remember if you gave the hand off
2 of the inhaler to the shorter or the taller nurse?

3 A. The shorter one, I believe. And it
4 traveled with him to Room 9. It was in Room 9,
5 also, the inhaler was.

6 Q. Do you know how it traveled from the decon
7 room to Room 9?

8 A. I didn't carry it that time.

9 Q. All right, sir. And I think you told us
10 that in the room, it was actually on a -- on a table
11 in the room?

12 A. It's a -- in that particular room with the
13 bed, then they have the table over there that has
14 like a little computer and the lap drawers. It was
15 sitting on that table.

16 Q. All right, sir. The nurse who you
17 described as placing the pillows on the side rails,
18 I believe you said that was a female nurse?

19 A. It was.

20 Q. Can you describe her in any way? African
21 American? Caucasian?

22 A. It was -- it was a white lady. It was
23 Caucasian is all I remember.

24 Q. Any age range you can give us?

25 A. I -- I would hate to throw a number out

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1 there and it be totally wrong. So I --

2 Q. Fair enough. How about hair color?

3 A. If I gave you an answer, I would be
4 guessing.

5 Q. All right, sir.

6 A. I don't want to do that.

7 Q. I don't want you to guess. I accept
8 your -- accept your testimony.

9 Did Mr. Goode continue his yelling,
10 screaming and cursing during the transport from the
11 decon -- decontamination room to Room 9?

12 A. Yes, sir, he did.

13 Q. And did he continue that behavior in Room
14 9?

15 A. Yes, sir, he did.

16 MR. UPCHURCH: Thank you, sir. That's all
17 the questions I have for you.

18 MR. BAKER: No questions.

19 MR. PHILLIPS: None.

20 MR. EDWARDS: Two follow-ups.

21 EXAMINATION

22 BY MR. EDWARDS:

23 Q. Did Mr. Goode after -- after the
24 medication, whatever it was, was put into his IV in
25 the room, continue to yell and scream?

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1 A. In the beginning. Yes, sir.

2 Q. Well, how long did he yell and scream
3 after that medication went in him?

4 A. I can't give a time. You know, he said
5 I'll be back in about ten minutes. It was within --
6 if he -- if -- I mean, I wasn't watching my clock.
7 But you know, it was before the ten minutes, I would
8 imagine.

9 Q. Well, it was a very short period of time,
10 wasn't it?

11 A. Yes.

12 Q. Because if that was a sedative, it would
13 have knocked him out pretty quickly. You know that?

14 MR. UPCHURCH: Object to the form.

15 A. I would think so. I don't -- I don't
16 know. I have no idea.

17 BY MR. EDWARDS:

18 Q. Okay. He was -- you said repeatedly that
19 he was yelling and screaming.

20 A. Uh-huh (affirmative response).

21 Q. Did he threaten to kill you?

22 A. He...

23 Q. Well, listen to my question.

24 A. Not --

25 Q. Did he say I'm going to kill you or words

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1 to that effect?

2 A. No, sir.

3 Q. Did he say that to anyone in your
4 presence, use the word kill?

5 A. He did use the word kill. Yes, sir.

6 Q. What did he say?

7 A. He used the word dead, kill.

8 Q. In what context?

9 A. It -- it was a real -- none of it made any
10 sense. He said, I'm dead, but I don't know how to
11 die, I'm going to be killed, I'm dead, I don't know
12 how to die.

13 Q. Okay. He said that?

14 A. Like he was in a video game. It was -- it
15 was -- it was just really strange. I don't really
16 know how to explain it.

17 Q. Well, that's good enough. Did he threaten
18 to kill anybody in your presence?

19 A. No, sir.

20 MR. EDWARDS: Nothing further.

21 MR. HUSKISON: No questions.

22 VIDEO SPECIALIST: This concludes the
23 videotaped deposition. The time is 12:36.

24

25

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C E R T I F I C A T E

STATE OF TENNESSEE)
COUNTY OF SHELBY)

I, Korian Neal, LCR #402, RPR, CCR, Licensed Court Reporter and Notary Public, in and for the State of Tennessee, do hereby certify that the above 1 was reported by me, and the transcript is a true and accurate record to the best of my knowledge, skills, and ability.

I further certify that I am not related to nor an employee of counsel or any of the parties to the action, nor am I in any way financially interested in the outcome of this case.

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Expiration Date 06-30-2018
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04-25-2018

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